

Zoning Ordinance

GIRARD TOWNSHIP, BRANCH COUNTY, MICHIGAN

Prepared with assistance from McKenna Associates.

ZONING ORDINANCE

GIRARD TOWNSHIP BRANCH COUNTY, MICHIGAN

Adopted by Township Board: December 6, 2011

Effective Date: December 23, 2011

Including amendments through October 15, 2020



Girard Township

1009 Marshall Road
Coldwater, MI 49036
(517) 279-2323
(517) 279-0119 (fax)

www.girardtownship.net

Prepared with assistance from:

McKenna Associates

151 S. Rose St., Suite 920
Kalamazoo, MI 49007
(269) 382-4443
(269) 382-4540 (fax)

www.mcka.com

Summary of Amendments

Section	Dates	Amendment Summary
Section 6.02 Accessory Buildings <i>pg. 6-2 & 6-3</i>	Approval Date: 10-5-2020	Revisions to setbacks in all parts of the yard.
	Publication Date: 10-8-2020	
	Effective Date: 10-15-2020	
Section 15.04 Regulations (AG Zoning District) <i>pg. 15-5</i>	Approval Date: 10-5-2020	Revision of Accessory Building setbacks in the side yards.
	Publication Date: 10-8-2020	
	Effective Date: 10-15-2020	
Section 16.04 Regulations (R1 Zoning District) <i>pg. 16-4</i>	Approval Date: 10-5-2020	Revisions of Waterfront lot setbacks.
	Publication Date: 10-8-2020	
	Effective Date: 10-15-2020	
—	—	—
Section 14.05- Home Occupations Pg. 14-4, 14-5 and a modification Section 6.02, Accessory Buildings. Item F on page 6-2	Approval Date: 09-07-2021 Publication Date: 09-21-2021 Effective Date: 09-28-2021	Revisions to Home Occupations: Permitted Home Occupations and Required Conditions. Modification to Accessory Buildings to include: An accessory building shall be exempt from the provisions of this section if the accessory building or structure is 100 square feet or less.

**GIRARD TOWNSHIP ZONING ORDINANCE
ACKNOWLEDGEMENTS**

GIRARD TOWNSHIP BOARD OF TRUSTEES

Candy Cox, Supervisor
Kathy Weight, Clerk
Corey Collins, Treasurer
William Wilbur, Trustee
George Baker, Trustee

GIRARD TOWNSHIP PLANNING COMMISSION

Brent Groholske, Chair
Allen Baunoch
Steve Weigt
Judy Reese
Larry Rogers
Randy Travelbee
George Baker

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THE ZONING ORDINANCE OF THE TOWNSHIP OF GIRARD

An Ordinance to establish Zoning and to regulate by districts the location and use of buildings, structures, and land, including the special uses of the same; the height and size of buildings and structures; the dimensions of yards, courts, and other open spaces; the use, size and type of signs, parking and loading; the density of population in order to promote the health, safety, morals, and general welfare of the people of the Township of Girard; to provide for the completion, enforcement and amendment of this Ordinance; to provide for the completion, extension, substitution or elimination of non-conforming uses; to provide for a Zoning Board of Appeals, and a Township Planning Commission; to provide for payment of fees for zoning permits; to provide penalties for violations of this Ordinance; and to repeal the existing Township Ordinance of Girard Township, as amended, enacted under the authority of Act 184 of the Public Acts of 1943, as amended and as replaced and amended by Act 110 of the Public Acts of 2006.

THE TOWNSHIP OF GIRARD, COUNTY OF BRANCH, STATE OF MICHIGAN ORDAINS:

ARTICLE 1 TITLE, PURPOSE, AND LEGAL CLAUSES

SECTION 1.01 SHORT TITLE.

This Ordinance shall be known and shall be cited as “The GIRARD TOWNSHIP ZONING ORDINANCE”.

SECTION 1.02 REPEAL AND SAVINGS CLAUSE.

On the effective date of this Ordinance, all previous versions and editions of the Girard Township Zoning Ordinance shall be repealed.

The repeal of said ordinance shall not affect to release or relinquish any penalty, forfeiture or liability incurred under said ordinance or any part thereof, and such Ordinance and all parts thereof shall be treated as still in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability.

SECTION 1.03 ENABLING AUTHORITY

This ordinance is adopted pursuant to Public Act 110 of 2006 of the State of Michigan, as amended, being the Michigan Zoning Enabling Act. The continued administration of this ordinance and all other matters concerning the operation of this ordinance shall be done pursuant to Public Act 110 of 2006, as amended (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq) hereafter referred to as “The Zoning Act”.

SECTION 1.04 PURPOSE AND BASIC PLAN.

The provisions of this Ordinance have been designed in order to implement so far as possible the Master Plan of Girard Township adopted by the Township Board in December, 2007 to promote the public health, safety, morals, and general welfare; to encourage the use of lands in accordance with their character and adaptability to limit the improper use of land; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provision for a system of transportation sewage disposal, safe and adequate water supply, education, recreation, and other public requirements; and to conserve the expenditure of funds for public improvements and services, to conform with the most advantageous uses of land, resources and properties that has been designed after giving reasonable consideration to, among other things, the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general appropriate trends and character of land, building and population development.

SECTION 1.05 VALIDITY AND SEVERALTY CLAUSE.

- A. If any Court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in the said ruling.

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

SECTION 1.06 CONFLICT WITH OTHER LAWS.

- A. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of an ordinance adopted under any other law, or by the provision of any statute, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.

- B. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provisions of this Ordinance shall govern.

SECTION 1.07 PERIOD OF EFFECTIVENESS.

This Ordinance shall remain in full force and effect henceforth unless repealed.

SECTION 1.08 EFFECTIVE DATE; PUBLICATION.

As required by Act 110 of the Public Acts of Michigan of 2006, as amended, this Ordinance shall be published one (1) time in a Newspaper having general circulation in the Township, within 15 days of its adoption by the Township Board and shall take effect seven (7) days following its publication.

ARTICLE 2
RULES, TERMS, AND DEFINITIONS

SECTION 2.01 RULES APPLYING TO THE TEXT

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

All words and phrases shall be construed and understood according to the common usage of language, but technical words and phrases and such shall be construed and understood according to such peculiar and appropriate meaning.

- A. The particular shall control the general.
- B. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- C. Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- D. The word "building" includes the word "structure".
- E. A "building" or "structure" includes any part thereof.
- F. 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".
- G. The word "person" includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or any combination of any of them as well as a natural person.
- H. Any word not defined herein shall be considered to be defined in accordance with its common or standard definition. Words or terms not herein defined shall have the meaning customarily assigned to them in land use planning nomenclature.
- I. All measurements shall be to the nearest integer, unless otherwise specified herein.
- J. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either/or" the conjunction shall be interpreted as follows.

1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 3. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- K. Where an illustration accompanies any item within this Ordinance, the written text shall have precedence over said illustration.

SECTION 2.02 DEFINITIONS

ABANDON: Cease to use or occupy a building, structure or land for its permitted use.

ACCESSORY BUILDING: A subordinate building, the use of which is clearly incidental to that of the principal building.

ACCESSORY USE: A use subordinate to the principal use on a lot and used for a purpose clearly incidental to the main use.

ADULT FOSTER CARE FAMILY HOME: A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days as week and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

ADULT FOSTER CARE LARGE GROUP HOME: A single - family dwelling, occupied as such, in which at least thirteen (13) but no more than twenty (20) persons, who are not related to an adult member of the family occupying the dwelling by blood, marriage or adoption, are given care and supervision for twenty-four (24) hours per day, unattended by a parent or legal guardian.

ADULT FOSTER CARE SMALL GROUP HOME: A single-family dwelling, occupied as such, in which twelve (12) or fewer persons, who are not related to an adult member of the family occupying the dwelling by blood, marriage or adoption, are given care and supervision for twenty-four (24) hours per day, unattended by a parent or legal guardian.

AGRICULTURAL: Includes purposes related to agriculture, farming, dairying, pasturage, horticulture, and animal and poultry husbandry.

ALLEY: A public or legally established private thoroughfare, other than a street, which affords another means of access.

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

AUTOMOBILE, VEHICLE OR TRAILER SALES: Any space used for the display, sale, or rental of motor vehicles, motorcycles, or trailers, in new or used and operable condition.

AUTOMOTIVE REPAIR-MAJOR: General repair, rebuilding, or reconditioning of engines, or vehicles, collision service (including body repair and frame straightening), painting, or upholstering, or vehicle steam cleaning and undercoating.

AUTOMOTIVE REPAIR-MINOR: Minor repairs, incidental replacements 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 the "Automobile Repair-Major".

BASEMENT: That portion of a building which is below the first story, the ceiling of which is less than five (5) feet above the surrounding ground elevation at all points (see figure 1).

BED AND BREAKFAST INN: An owner-occupied dwelling containing guest rooms where lodging with or without meals is provided for compensation.

BILLBOARD: Any structure or portion thereof upon which an off-premises sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed.

BUILDING: Any structure, either temporary or permanent, erected on site, a mobile home or mobile structure, above or below ground, having a roof and used or built for shelter, or enclosure of persons, animals, chattels, or property of any kind.

BUILDING COVERAGE: That percentage of a plot or lot covered by the building area.

BUILDING HEIGHT: The vertical distance measured from the top of the main or ground level foundation wall, whichever is the lowest, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs (see figure 2).

BUILDING PERMIT: A permit for commencing construction issued in accordance with a plan for construction that complies with all visions of the Zoning Ordinance.

BULIDING SETBACK: The measurement from the property line to the nearest point of the main wall of a building or structure. Steps may be located within the building setback. Porches are considered as a part of the building or structure (See figure 4).

CHILD CARE CENTER (OR DAY CARE CENTER): A facility, other than a private residence, receiving 1 or more preschool or school-aged 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 that 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, before- or after- school program, or drop-in center.

CHURCH: A building wherein people regularly assemble for religious worship, and which is maintained and controlled by a religious body, together with all accessory buildings and uses associated with such principal building.

CLUB-LODGE: An association of persons who are bonafide members paying annual dues, which owns, hires, or leases a building, lot, or grounds or any portion thereof, the use of such premises being restricted to members and their guest.

CODE ENFORCEMENT OFFICER: The person designated by the Girard Township Board of Trustees as responsible for enforcing and administering the requirements of this Ordinance.

COMMERCIAL: Places, buildings, or structures used for the sale, exchange, barter, or purchase of goods or services.

CORNER LOT: A lot located at the intersection of two (2) or more streets.

COURT: An unoccupied open space, other than a yard, on the same lot with the building which is bounded on two or more sides by a wall.

DECK: A platform, typically constructed of wood or wood composite, which is typically attached to the house and used for outdoor leisure activities having an elevation greater than nine (9) inches above the existing elevation.

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

DRIVE-IN: An establishment of the “Drive-In” type is one which accommodates the patrons of automobiles from which the occupants may receive a service or obtain a product which may be used or consumed in the vehicle.

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.

DWELLING UNITS: A building or a portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

DWELLING UNIT TWO FAMILY: A building containing not more than two separate dwelling units designed for residential use conforming in all other aspects to the standards set forth in Article 17 of this Ordinance.

DWELLING UNIT MULTIPLE FAMILY: A building containing three or more units designed for residential use and conforming in all other respects to the standards set forth in Article 18 of this Ordinance.

ESSENTIAL SERVICES: The term "Essential Services" means facilities erected, constructed, altered, or maintained by public utilities or municipal departments or commissions and operated to provide public services such as but not limited to gas, electric, water, sewer, cable, radio and other similar equipment and accessories in connection therewith.

FAMILY: One (1) or more persons occupying a single dwelling unit and using common cooking facilities.

FAMILY CHILD DAY CARE HOME: A private home in which one (1) but fewer than seven (7) 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 child day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

FARM: All of the contiguous neighboring or associated land operated as a single unit on which bonafide agriculture is carried on directly by the owner-operator, manager, or tenant farmer. A farm shall be considered five (5) or more acres.

FENCE: A barrier constructed to retain livestock, or constructed to divide land or parcels of land.

FIREWOOD: Firewood means trunks and branches of trees and bushes.

FLOOR AREA: The gross floor area of all floors of a building or an addition to an existing building.

FOSTER FAMILY GROUP HOME: A private home in which more than four (4) but less than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

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

FRONTAGE: All of the property between the property lines that abuts a street right-of-way or waterway.

GARAGE: That part of a structure attached or not attached to a dwelling used for storage of automobiles.

GASOLINE SERVICE STATION: Any building, or premises used for the dispensation, sale, or offering for sale at retail of any motor fuels, oils, or lubricants.

GREENBELT BUFFER: A strip or parcel of land privately restricted or publicly dedicated as open space, located between land used for the purpose of protecting the character of adjacent lots or uses as described in Section 6.07 of this Ordinance.

GROUP CHILD DAY CARE HOME: A private home in which more than six (6) but not more than twelve (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 child day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

GROUP HOUSING: See Multiply Family Dwellings.

HIGHWAY: See Streets, Major.

HOME OCCUPATION: A gainful occupation traditionally or customarily carried on in the home as a use incidental to the use of the home.

HOSPITAL: An institution providing health services to in patients and out patients, and medical or surgical care of the sick or injured, including as a integral part all such related facilities.

HOTEL: A building containing rooming units used primarily for the accommodations of transients.

INDUSTRIAL: Pertaining to the manufacturing of a product.

JUNK: Any materials used, second hand, or abandoned.

JUNKYARD: Any land or buildings where waste, junk, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked vehicles, used building material, steel, and equipment; and includes an area of more than one hundred square feet where such items are stored, but does not include uses established entirely within an enclosed building.

KENNEL: Any land, building or structure where five (5) or more dogs are boarded, housed and bred.

LIVING SPACE: That area of a building or structure designed for use or occupancy by one family for living and sleeping purposes with housekeeping facilities.

LIVESTOCK: Domesticated animals normally kept or raised on a farm including but not limited to horses, cattle, sheep, goats, and pigs.

LOADING-UNLOADING SPACE: An off-street space on the same lot with the building, or group of buildings, for temporary parking of commercial vehicles while loading or unloading merchandise or materials.

LOT: A piece or parcel of land occupied or intended to be occupied by a principal building or a group of buildings and accessory structures, or utilized for a principal use and accessory uses, together with such open spaces as are required by this Ordinance.

LOT LINES: See Fig. 3.

FRONT: The line separating a lot from a street right-of-way or easement boundary, for all cases that do not fall under the definition of “Center Lot Line” below. In the case of a private street that does not have a right-of-way or easement boundary, this line shall be parallel to and twelve feet (12’) back from the centerline of the pavement. On a corner lot, all street frontages shall be considered front lot lines.

REAR: The boundary that is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an assumed line parallel to the front lot line not less than ten feet (10’) long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply, the Planning Commission shall designate the rear lot line. On a corner lot, the rear lot line shall be opposite the narrower of the two (2) street frontages.

SIDE: Any lot line other than the front or rear lot lines.

CENTER: For any lot that is split into two or more sections by a public right-of-way, private road easement, or any other kind of roadway that serves multiple lots, the edges of the roadway shall be considered “Center Lot Lines.” The edges shall be defined as the boundary of the right-of-way or easement. If there is no right-of-way or easement, then the boundary shall be defined as a line parallel to and twelve (12) feet back from the centerline of the roadway.

WATERFRONT: For all waterbodies and watercourses, the waterfront lot line from which the waterfront setback shall be measured shall be the line of typical separation between the body of water and the immediately adjacent land. Where there is

disagreement as to the location of this line or it is difficult to clearly determine, the Township may use the Ordinary High-Water Mark.

LOT AREA: The total area between the lot lines on all sides.

LOT COVERAGE: That part of a lot occupied by buildings or structures including accessory buildings or structures.

LOT DEPTH: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT WIDTH: The horizontal distance between the side lot lines, measured at the points where the building line or the setback intersects the side lot lines.

LOT OF RECORD: A lot existing prior to the adoption of the Ordinance and recorded in the office of the County Register of Deeds.

MASTER PLAN: The Plan prepared and adopted by the Township under the provisions of Act 33 of the Public Acts of Michigan of 2008, as amended.

MICHIGAN ZONING ENABLING ACT: Michigan Act 110 of 2006, as amended.

MINING: The act of removing natural resources

MOBILE HOME: A vehicular, portable structure built on a chassis and designed to be used without a permanent foundation as a dwelling when connected to required utilities and placed on a lot or in a Mobile Home Park, in compliance with this Ordinance, such Mobile Home which do not conform to the standards set forth in this Ordinance shall not be used as a dwelling and shall be considered not in compliance with this Ordinance.

SINGLE WIDE: A Mobile Home with a longitudinal width of no greater than sixteen (16) feet for full length.

DOUBLE WIDE: A combination of two Mobile Homes designed and constructed to be connected along the longitudinal axis.

MOBILE HOME PAD: That portion of a mobile home lot reserved for the placement of a mobile home usually constructed of concrete.

MOBILE HOME PARK: A parcel of land under single ownership which has been planned and improved for the placement of Mobile Homes on a rental basis.

MOBILE HOME SUBDIVISION: A mobile home park except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.

MOTEL: A building or group of buildings on the same lot, whether detached or in connecting rows, containing sleeping or dwelling units which may not be independently accessible from the outside, the term shall include any building or group of buildings located on a lot designed as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging with or without meals.

MOTOR VEHICLE: Every vehicle which is self-propelled.

NON-CONFORMING BUILDING OR STRUCTURE: A building or structure, or portion thereof that was lawfully in existence at the effective date of this Ordinance, which does not now conform to the provisions of the ordinance in the zoning district in which it is located.

NON-CONFORMING USE: A use which was lawfully in existence at the effective date of this Ordinance, which does not now conform to the use regulations of the zoning district in which it is located.

NUISANCE: Any offensive, annoying, loud excessive noise or disturbing practice, or object, which prevents the free use of ones property, or which renders its ordinary use or occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses and violates the laws of decency.

OCCUPIED: Used in any way at the time of question.

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

OUTDOOR FURNACE: An outdoor furnace means any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or heating of water. Outdoor furnaces also include, but are not limited to, devices referred to as outdoor boilers and outdoor stoves.

PARKING AREA: An off-street area provided for parking of automobiles or commercial vehicles, that complies with the regulations of this Ordinance.

PARKING SPACE: An area provided for the parking of automobiles.

PATIO: A platform or terrace commonly made of concrete, brick, stone, or other pavement material, which is typically attached to the house and used for outdoor activities having an elevation of no more than nine (9) inches over the existing grade.

PERSON: An individual, man, woman, child.

PLANNED DEVELOPMENT: An area mapped and designed in compliance with the terms of this Ordinance.

PLANNING COMMISSION: The Girard Township Planning Commission.

ROAD SIDE STAND: A temporary building or structure operated for the purpose of selling produce, such use shall not make it a commercial district nor shall its use be deemed a commercial activity.

SETBACK: The required minimum distance between a front, side, or rear lot line and the nearest supporting member of a building or structure on a lot. (See Fig. 4).

SHOOTING RANGE: A property or properties, or portions thereof, designed and operated for commercial purposes or by an organization or nonprofit entity for recreational or training purposes, including but not limited to, shooting preserves, target shooting ranges, skeet, trap and silhouettes ranges and courses, and sporting clay shooting operations or other similar facilities for persons using rifles, shotguns, pistols, revolvers, or black powder weapons, archery, or air rifles. This definition does not include target practice areas on private property, provided that the practice area and target(s) are positioned so that projectiles are not likely to cross a lot line and enter any adjacent property.

SHOPPING CENTER: A group of commercial buildings, primarily retail uses that are compatible with each other and are mutually supportive on a site that is planned, developed and managed as one operating unit.

SIGN: Any device designed to inform or attract the attention of persons.

SIGN, TEMPORARY: A sign not constructed or intended for long-term use. Portable signs on wheels able to be pulled behind a vehicle and/or located on a site for a short term basis shall be considered temporary signs. Other examples of temporary signs include but are not limited to signs that announce a coming attraction, a new building under construction, a community or civic project, or other special events that occur for a limited period of time.

SITE PLAN: A plan showing all salient features of a proposed development.

SPARK ARRESTOR: A device designed to keep sparks from escaping, as at a chimney opening.

STORY: That portion of a building, between the upper surface of any floor and the upper surface of the floor or roof next above it.

STREET: A public or privately 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 an alley.

MAJOR: A public way, the principal use of which is to provide an arterial route for traffic.

MINOR: A public way, the principal use of which is to provide access to abutting properties.

PRIVATE ROAD: A road privately owned and maintained that is used as the principal means of access to the abutting lots. A private road is not a maintenance responsibility of the Township or the County Road Commission, but it shall be accessible for emergency and service purposes.

SWIMMING POOL: Any artificially constructed, portable or non-portable pool capable of being used for swimming or bathing. To be considered a swimming pool for the purposes of this Ordinance, the pool shall have a height of at least 24 inches and/or is capable of holding a depth of at least 24 inches of water.

SURFACE, IMPERVIOUS: A treatment of the ground, or of a structure built above ground, that prevents rainwater from seeping into the ground at the point where it lands. All buildings shall be considered part of the impervious surface on the lot they sit on.

SURFACE, PERMEABLE: A treatment of the ground designed to allow rainwater to seep into the ground at the point where it lands. Pavers designed to allow water to drain between them shall be considered permeable surface for the purpose of this ordinance, despite being partially impervious.

TENT: A temporary structure of canvas or similar construction used for camping, and shall not be considered a permanent dwelling.

TOWNSHIP: Girard Township, Branch County, Michigan.

TOWNSHIP BOARD: The Girard Township Board.

TOWNSHIP PLANNING COMMISSION: The Planning Commission as appointed by the Girard Township Board, as established under Public Act 110 of 2006, as amended.

TRAVEL TRAILER: A transportable unit intended for occasional or short-term occupancy as a dwelling unit during travel, recreational, or vacation use.

USE:

SPECIAL: A use which is subject to conditions approved by the Planning Commission.

PERMITTED: A use which may be lawfully established in a particular district or districts.

UNTREATED LUMBER: Untreated lumber means any dry wood which has been milled and dried, but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint or other substance.

VARIANCE: A variance is the relaxation of terms of the Zoning Ordinance where such variance will not be contrary to the public interest, and where literal enforcement of the Ordinance would result in unnecessary and undue hardship.

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

YARD: A required open space other than a court unoccupied and unobstructed by any building or structure or portion thereof from thirty (30) inches above the general ground level of the lot upward; 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

FRONT YARD: A yard between the street right-of-way line and the main wall of the building or structure.

REAR YARD: 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 building.

SIDE YARD: A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the side yard shall be measured from the nearest point of the side lot line to the nearest part of the main building.

WATERFRONT YARD: A yard measured from the waterfront lot line to the nearest point of the facing wall of the principal structure or accessory structure.

WALKOUT BASEMENT: That portion of a building which is below the first floor having and entrance on one or more sides at ground level.

ZONING ADMINISTRATOR / CODE ENFORCEMENT OFFICER: The Girard Township Zoning Administrator / Code Enforcement Officer.

ZONING PERMIT: A written permission or license giving authorization to allow a use of property according to a plan.

ARTICLE 3
ZONING BOARD OF APPEALS &
TOWNSHIP PLANNING COMMISSION

SECTION 3.01 ZONING BOARD OF APPEALS ESTABLISHED.

There is hereby established a Zoning Board of Appeals, the membership, powers and duties of which are described in Act 110 of 2006 (the Michigan Zoning Enabling Act), as amended. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in the above act in such a way that the objectives of this ordinance shall be observed, the public health, safety and welfare assured, and justice served.

SECTION 3.02 MEMBERSHIP, TERMS OF OFFICE, EXPENSES, REMOVAL OF MEMBERS.

- A. The Zoning Board of Appeals shall consist of the following three members:
1. One member shall be a member of the Planning Commission who is appointed by the Township Board, and his or her term of office shall be concurrent with his or her term of office on the Planning Commission.
 2. One member may be a member of the Township Board appointed by the Township Board, and his or her term of office on the Township Board. This member shall not serve as Chairman of the Zoning Board of Appeals.
 3. The other member shall be selected by the Township Board from among the electors residing within the Township.
 4. An employee of or contractor to the Township may not serve as a member of the Zoning Board of Appeals.
- B. The Township Board may appoint not more than 2 alternate members for the same term as regular members to the Zoning Board of Appeals. Alternate members shall be selected and appointed by the Township Board from among the electors residing in the Township. An alternate member may be called by the chairperson to serve as a regular member of the Zoning Board of Appeals if a regular member is absent from or will be unable to attend one or more consecutive meetings of the Zoning Board of Appeals or is absent from or will be unable to attend meetings for a period of more than 30 consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member so appointed shall serve in the case until a final decision is reached. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

- C. Terms of office shall be for three (3) years except when first appointed, they may be for such terms as will affect staggered terms, which will be determined by the Township Board.
- D. The total amount allowed such members of the Zoning Board of Appeals as per diem, or as expenses actually incurred in the discharge of their duties shall be established by the Township Board.
- E. Members of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office, upon written charges and after a public hearing.
- F. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- G. Members of the Zoning Board of Appeals shall select a Chairperson and a Secretary, whose duties shall be as defined by the Michigan Zoning Enabling Act and this Ordinance.

SECTION 3.03 MEETINGS, RECORDS, POWER AND DUTIES OF THE CHAIRPERSON.

- A. Meetings of the Zoning Board of Appeals shall be held as scheduled for the year, or at such times as the Zoning Board of Appeals in its rules of procedure may specify.
- B. The Chairperson may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public.
- C. The Zoning Board of Appeals shall maintain a record of its proceedings and a copy shall be filed in the Township Clerk’s office and be a public record.

SECTION 3.04 DUTIES, RULES, HEARINGS AND DECISIONS OF APPEALS.

- A. The Zoning Board of Appeals shall act upon all questions as they arise in the administration of the Zoning Ordinance, including the interpretation of the Zoning Map, and may fix rules and regulations to govern its procedures.
- B. The Zoning Board of Appeals shall hear and decide appeals pertaining to any order, requirements, decisions, or determinations made by an administrative official charged with enforcement of any Ordinance adopted pursuant to the provisions of this Act. It

shall also hear and decide all matters referred to it upon which it is required to pass under any ordinance adopted pursuant to this Act.

- C. The concurring vote of a majority of members of the Zoning Board of Appeals shall be required to reverse any order, requirement, decision, or determination of any such administration official or to decide in favor of the applicant on any matter upon which they are required to pass under such ordinance or to effect any variation in such ordinance.
- D. The grounds of every such determination shall be stated in the records.

SECTION 3.05 TIME OF APPEALS, NOTICE OF APPEALS, TRANSMISSION OF RECORDS.

Such appeals shall be heard within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by filing with the officer from whom the appeal is taken, and with the Zoning Board of Appeals, a Notice of Appeals specifying the grounds thereof. The Notice shall also be published and distributed in accordance with Section 3.07. The officer from whom the appeals is taken shall forthwith transmit to the Zoning Board of Appeals all papers constituting the record upon which the Zoning Appeals was taken.

SECTION 3.06 STAY OF PROCEEDINGS PENDING APPEAL.

An appeal stays all proceedings in furtherance of action unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeals shall have been filed with him or her that by reason of fact 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 due cause shown.

SECTION 3.07 HEARINGS AND NOTICES, RIGHT TO BE HEARD, DISPOSITION OF APPEALS.

- A. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal. Any party may appear in person, by agent, or by attorney.
- B. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made concerning the premises, and to that end shall have all power and may issue or direct the issuance of a permit.

- C. Where there are practical difficulties in the way of carrying out the strict letter of such ordinance, the Zoning Board of Appeals shall have the power in passing upon the appeal to vary or modify any rules, regulations, or provisions so that the spirit of the ordinance shall be observed, public safety secured, and substantial justice done.
- D. When a notice of appeals has been filed in proper form with the Zoning Board of Appeals, the Chairperson shall immediately place the appeal upon the calendar for a hearing, and cause a notice stating the time, place, and object of the hearing to be served personally or by mail at least 15 days prior to the date of the hearing, upon the party or parties making the request for appeal.
- E. Upon receipt of a written request seeking an interpretation of the Zoning Ordinance, a request for a variance from ordinance standards, 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 hearing not less than 15 days before the public hearing. In addition, if the request involves a specific parcel or place within the Township, written notice stating the nature of the request and the time, date, and place of the public hearing shall be sent by first-class mail or personal delivery to the owner and occupants of the property and to all persons to whom real property is assessed within the 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question, regardless of whether the owner, occupant, or property is located in Girard Township or not. If a tenant's name is not known, the term "occupant" may be used. The notice shall include the nature of the request, the property(ies) for which the application has been filed (including specific street addresses or means of identification), the location where the application can be viewed, the date and time of the hearing, the location of the hearing, and the address at which written comments should be directed prior to the meeting.

SECTION 3.08 FEES FOR APPEALS.

At the time of the filing of the Notice of Appeal there shall be paid, by the applicant a fee prescribed by the Township Board, which fee shall immediately be placed in the Township General Fund.

SECTION 3.09 VARIANCES.

Upon receipt of an application seeking a variance from the standards of this Ordinance, the Zoning Board of Appeals, following a hearing in accordance with the terms of this Article shall have the power to authorize a specific variance from such dimensional requirements as lot area and width regulations, building height and square feet regulations, and such requirements as

off street parking and loading space, as specified in this Ordinance when all of the basic conditions together with any one of the special conditions listed in the following sub-section can be satisfied.

A. CRITERIA FOR GRANTING A VARIANCE.

1. Will not be contrary to public interest and will insure that the spirit of this Ordinance shall be observed.
2. Shall not permit the establishment within a district any use which is prohibited.
3. Will not cause a substantial adverse effect to property or improvements in the vicinity or in the district in which the property of the applicant is located.
4. Is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practicable.
5. Relates to property that is under the ownership of the applicant.
6. Shall include as a condition to the variance, the building area, any accessory structure, fences, and other similar appurtenances, none of which shall be altered without authorization by the Zoning Board of Appeals.

B. SPECIAL CONDITIONS.

1. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance.
2. Where there are exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that does not generally apply to the other property or use in the vicinity in the same zoning district, and have not resulted from any act of the applicant subsequent to the adoption of this Ordinance.
3. Will not cause a substantial adverse effect to property or improvements in the vicinity or in the district in which the property or the applicant is located.

C. RULES.

In addition to the foregoing conditions, the following Rules shall be applied in granting of Variances.

1. In granting a variance, the Zoning Board of Appeals may specify, in writing to the applicant such conditions in connection with the granting of the Variance that will, in its judgment secure substantially the objectives of the provisions to which such variance applies. The breach of any such conditions shall automatically invalidate the variance granted.
2. No more than the minimum variance from the terms of this Ordinance shall be granted which is necessary to relieve the practical difficulty or unnecessary hardship.
3. Each variance granted under the provisions of this Ordinance shall become null and void unless:
 - a. The construction must be commenced, completed, and occupied within one (1) year after the variance was granted, or any extension thereof, or the variance is revoked.
4. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly found evidence or proof of changed conditions found upon inspection by the Zoning Board of Appeals to be valid.

SECTION 3.10 DECISIONS OF THE ZONING BOARD OF APPEALS.

The Zoning Board of Appeals shall decide upon all appeals within a reasonable time and reverse or affirm wholly or in part, or modify the order, requirement, decision, or determination as in its opinion ought to be made in the premise. The Zoning Board of Appeals decision of such appeal shall be in the form of a resolution, containing a full record of the findings and determination of the Zoning Board of Appeals in each particular case and the signatures of each member of the Zoning Board of Appeals shall be affixed thereon.

SECTION 3.11 RIGHT TO APPEAL.

- A. An owner, person, firm, corporation, or any duly appointed representative aggrieved by any final decision or order of the Girard Township Planning Commission, the Girard Township Zoning Administrator / Code Enforcement Officer, or any duly appointed officer acting for the Township, concerning a zoning matter may take their grievance to the Girard Township Zoning Board of Appeals for a hearing and decision concerning the aggrieved matter in compliance with this Article of this Ordinance.

- B. The decision of the Zoning Board of Appeals shall be final. Any person aggrieved by a decision of the Zoning Board of Appeals may appeal to the circuit court provided the appeal is filed within 30 days after the ZBA certifies its decision or approves the minutes of its decision and provided that the record of the decision and the application satisfies the conditions stated in Section 606 of the Michigan Zoning Enabling Act, Public Act 110 of 2006.

SECTION 3.12 TOWNSHIP PLANNING COMMISSION ESTABLISHED.

- A. There is hereby established a Township Planning Commission in accordance with the Michigan Planning Enabling Act, being Public Act 33 of 2008 of the State of Michigan, as amended.
- B. The Township Planning Commission shall consist of not less than five (5) members, nor more than nine (9) members. All members of the Planning Commission shall be appointed by the Township Supervisor with approval of the Township Board.
- C. Members of the Planning Commission shall be appointed for three year terms with the exception of the first Commission, which will serve staggered terms of one (1), two (2), and three (3) years in office. Members of the Planning Commission may be removed from office by the Township Board for non-performance of duty or misconduct in office upon written charges and following a public hearing.
- D. The Planning Commission must elect a Chairperson, a Vice Chairperson, and a Secretary of which the terms of such office shall be for one (1) year.
- E. The main function of the Planning Commission is to provide reasonable restrictions on land use that conforms to the comprehensive Township development plan and provide for the best interest of the health, safety, and general welfare of the Township citizens and property owners.

SECTION 3.13 MEETINGS.

The Planning Commission must hold at least four (4) meetings each year. All meetings shall be posted at the Township Hall.

The Chairperson may call special meetings with written notice sent to each member at least forty-eight (48) hours before the meeting time.

SECTION 3.14 RULES, BUSINESS TRANSACTIONS, RECORDS AND REPORTS

- A. The Planning Commission will adopt a set of rules to transact business, and must keep a public record of its meetings, resolutions, transactions, findings and determinations.
- B. The Planning Commission will make an annual report to the Township Board and submit a budget to the Township Board each year.
- C. All minutes of the Planning Commission meetings shall be filed with the Township Clerk and become a public record.

SECTION 3.15 DUTIES.

- A. The Planning Commission's basic function is to make and adopt a plan for the Township's Land Use and development and submit such plan to the Township Board for final approval.
- B. The Planning Commission must hold at least one (1) public hearing before it adopts any portion of a plan to be recommended to the Township Board.
- C. The Planning Commission shall review and hear all Site Plan and Special Use applications and shall have the power to approve or disapprove any such applications that do not meet the requirements of this Ordinance.
- D. The Planning Commission is required to review any plats, or subdivisions and make a recommendation prior to the Township Board's approval.
- E. The Planning Commission shall have the power to place rules, regulations, provisions, or restrictions upon a Special Use permit granted, so that the spirit of this Ordinance shall be observed.

SECTION 3.16 FEES FOR MEETINGS FOR SPECIAL USE HEARINGS AND OTHER SPECIAL MEETINGS.

- A. At the time of the filing of an application for a hearing on a Special Use Permit, and/or other such hearings, there shall be paid, by the applicant a fee prescribed by the Township Board which fee shall immediately be placed in the Township General Fund.
- B. When a notice for a meeting for a Special Use has been filed in the proper form with the Planning Commission, the Chairperson shall immediately place the meeting upon the calendar for a hearing.

- C. Due notice of the scheduled meeting shall be given to all persons who reside, or own property within three hundred (300) feet or adjoining residents or property owners, if none are within three hundred (300) feet of the premises in question, such notices shall be delivered personally or by mail to the respective owners at the address in the last assessment roll. The notice shall be published and distributed at least 15 days prior to the hearing.

**ARTICLE 4
AMENDMENT PROCEDURE**

SECTION 4.01 INITIATING AMENDMENT AND FEES.

The Township Board may from time to time, on recommendation from the Planning Commission, amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare requires such amendment. Said amendment may be initiated by resolution of the Township Board, the Planning Commission, or by petition of one or more property owners to be affected by the proposed amendment; except for the Township Board and the Planning Commission, the petitioner or petitioners requesting an amendment shall at the time of the application pay the fee in accordance with the requirements specified in Section 24.09.

SECTION 4.02 AMENDMENTS AND SUPPLEMENTS TO THE ZONING ORDINANCE.

The procedure for making amendments to this Ordinance shall be as follows:

- A. Each petition for amendment initiated by one or more owners of property shall be submitted to the Township Board who shall refer it to the Planning Commission for review and recommendation.
- B. After deliberation on any proposal, the Planning Commission shall conduct at least one (1) public hearing
- C. The notice for the public hearing shall be given not less than 15 days before the date of the hearing on a proposed zoning amendment and notices shall be sent to:
 - 1. The applicant.
 - 2. The owner (or other owners) of the property, if different.
 - 3. If the zoning amendment is for less than 11 adjacent properties, notice shall also be distributed to the following:
 - a. The owners of all real property within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in Girard Township or not.

- b. Occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the property is located in Girard Township or not.
 4. The general public by publication in a newspaper which circulates in Girard Township.
 5. Members of the Planning Commission, or legislative body and Planning Commission if the hearing is being held by the legislative body.
- D. The notice shall include:
 1. The nature of the zoning amendment being requested.
 2. The property(s) for which the zoning amendment has been made.
 3. If the zoning amendment is for less than 11 adjacent properties, also a listing of all existing street addresses within the property(ies) which is(are) subject of the zoning amendment. (Street addresses do not need to be created and listed if no such addresses currently exist. If there are no street addresses another means of identification may be used.)
 4. The location where the application documents can be viewed and copied prior to the date the zoning amendment hearing.
 5. The date, time and location of when the hearing on the zoning amendment will take place.
 6. The address at which written comments should be directed prior to the hearing on the zoning amendment.
 7. For members of the Planning Commission only, a copy of the request for the zoning amendment, the draft of the zoning amendment, and supporting documents in the record.
- E. Following the public hearing, either at the same meeting or at its next regular meeting, the Planning Commission shall refer the proposed amendment to the Township Board along with its written recommendations for approval or disapproval and reasons therefor.
- F. Prior to passing the amendment to the Township Board, the Planning Commission shall submit the proposed amendment to the County Planning Commission for review and comment. The approval of the County Planning Commission shall be conclusively

presumed unless the County Planning Commission within 30 days of receipt notifies the Township Clerk of its disapproval.

- G. It is not necessary for the Township Board to hold a public hearing on the proposed amendment unless a request is made in writing by a property owner. If a public hearing is requested or if the Board desires to hold an additional hearing, the notice procedures in subsections C and D above should be followed for noticing the public hearing.
- H. Thereafter at any regular meeting or at any special meeting called therefor the Township Board may adopt and enact the proposed amendment, in accordance with Act 110, P.A. 2006 as amended, being the Michigan Zoning Enabling Act.
- I. Upon enactment of the amendment, said amendment shall be published in a newspaper of general circulation within the Township within 10 days after enactment.
- J. Within 7 days after publication, the amendment shall be filed in the Official Ordinance Book of the Township with a certification of the Township Clerk stating the vote on passage and when it was published and filed. If the amendment requires a change on the Official Zoning Map, such change shall be made on the map in conformity with provisions of Section 5.03 of this Ordinance within 10 days after enactment of the amendment.
- K. No petition for rezoning, which has been disapproved by the Township Board, shall be submitted for a period of one (1) year from the date of disapproval except as permitted by the Township Board after becoming aware of new evidence, which may result in approval upon resubmittal.
- L. All provisions of this Article shall be subject to the provisions of the Michigan Zoning Enabling Act, as the same may be from time to time amended, which Act is incorporated herein by reference.

SECTION 4.03 CRITERIA FOR AMENDMENT OF ZONING MAP OR ORDINANCE

In considering any petition for an amendment to the official Zoning Map, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations, and decision:

- A. The consistency with the goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.
- B. The compatibility of the site's physical, geological, hydrological, and other environmental features with the host of uses permitted in the proposed zoning district.

- C. Evidence the applicant cannot receive a reasonable return on investment through developing the property with any of the uses permitted under the current zoning.
- D. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- E. The capacity of Township’s infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the Township.
- F. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- G. The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned and available to accommodate the demand.
- H. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the requested zoning district.
- I. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.
- J. Other factors deemed appropriate by the Planning Commission and Township Board.

SECTION 4.04 CONFORMANCE TO COURT DECREE.

Any amendment for the purpose of conforming a provision thereof to the decree of the court of competent jurisdiction shall be adopted by the Township Board and the amendment published without referring the same to any other board or agency.

SECTION 4.05 ANNUAL ZONING ORDINANCE REVIEW.

The Planning Commission shall, from time to time at intervals of not more than 1 year, examine the provisions of this Ordinance and the locations of zoning district boundary lines and shall submit a written report to the Township Board recommending changes and amendments, if any, which are desirable in the interest of the public health, safety and general welfare.

SECTION 4.06 CONDITIONAL REZONING

- A. **Intent.** There may be certain instances where it would be in the best interests of the Township, as well as advantageous to the property owner to request a change in zoning boundaries if certain conditions are proposed by the property owner as part of the rezoning request. It is the intent of this Section to provide a process and procedure for conditional rezoning consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MZEA) (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request. This option shall apply site planning criteria to achieve integration of the development project into the fabric of the project area.
- B. **Application and Offer of Conditions.**
1. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or at a later time during the rezoning process prior to the public hearing.
 2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section. All of the requirements and procedures for a conventional rezoning as described in this article shall be required for a conditional rezoning in addition to any other materials described in this Section. The required procedure for a conditional rezoning shall be the same as a conventional rezoning, as provided herein except as modified in this Section.
 3. The owner's offer of conditions may not purport to authorize uses or densities not permitted in the requested new zoning district.
 4. A conditional rezoning plan (CR plan), drawn to scale, shall be submitted with the conditional rezoning application. The CR plan shall provide the location, size, height, design, architecture, and other measures and features of buildings, structures, and improvements on, and in some cases adjacent to, the subject property. The detail to be offered for inclusion on a CR plan shall be determined by the applicant, subject to review and approval by the Planning Commission and Township Board. The CR plan shall be used to communicate the site's specific conditions in the Statement of Conditions and shall be attached by reference to the final rezoning agreement. The CR plan shall not replace the subsequent requirements for site plan, subdivision, or other similar zoning review and approvals.

5. Any use or development proposed as part of an offer of conditions that would require a Special Use Permit under the terms of this Ordinance may only be commenced if a Special Use Permit for such use or development is ultimately granted in accordance with the provisions of Article 11 of this Ordinance. Review of the Special Exception Use Permit should occur subsequent to the review of the rezoning.
 6. Any development proposed as part of an offer of conditions that would require a Variance under the terms of this Ordinance may only be commenced if a Variance for such development is ultimately granted in accordance with the provisions of Article 3 of this Ordinance. Review of the Variance should occur subsequent to the review of the rezoning.
 7. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such amendment occurs subsequent to the Planning Commission’s public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
- C. **Planning Commission Review.** The Planning Commission, after holding a public hearing and consideration of the criteria for rezoning set forth in Section 4.03 of this Ordinance, may recommend approval, approval with recommended changes, or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
1. Prior to Planning Commission consideration, the proposed conditional rezoning application and associated materials shall be forwarded to Township officials and staff for preliminary review and comment. If it is determined that the application is not complete, then the applicant shall be contacted to inform them of the additional information that is required.
 2. If deemed necessary by the Zoning Administrator or Planning Commission, the proposed application shall be forwarded to the Township Board, Township consultants, and/or other applicable outside agencies for further review, recommendation, and advice, with any additional costs borne by the applicant.
 3. **Public Hearing.** The conditional rezoning application shall be placed on the agenda for Planning Commission review and scheduled for a public hearing according to the notice requirements and procedures of Section 4.02 above.

4. **Action by the Planning Commission.** Following the hearing on the proposed amendment, the Planning Commission shall within a reasonable time, make findings of fact based on the review criteria in Section 4.03. It shall transmit these findings to the Township Board, together with the comments made at the public hearing and its recommendation.
- D. **Township Board Review.** After receipt of the Planning Commission’s recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request, in accordance with the procedures in Section 4.02. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 4.03 of this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board may refer the proposed amendments to the Planning Commission for consideration and comment within a specified time or may hold an additional public hearing, either of which shall be in compliance with Section 401 of the MZEA (Public Act 110 of 2006, as amended).
- E. **Elements of a Conditional Rezoning Application.** The following elements shall be reviewed and approved as an integral part of the conditional rezoning application:
1. **CR Plan.** A Conditional Rezoning Plan (CR Plan), with such detail as proposed by the applicant and approved by the Township Board in accordance with this Section (see B.4 above). The CR Plan shall not replace the requirements for site plan, subdivision or condominium approval, as the case may be.
 2. **Rezoning Conditions.** Rezoning conditions, shall not propose uses or development not permitted in the intended zoning district and shall not permit uses or development expressly or implicitly prohibited in the Statement of Conditions. Rezoning 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 landforms, and scenic vistas are preserved and incorporated into the landscape.
 - m. Reclamation and reuse of land, where previous use of land has caused severe development difficulties, or 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.
3. **Statement of Conditions.** The Statement of Conditions, which shall be prepared by the applicant (or designee), with the assistance of the Township Planner or Attorney as desired, shall incorporate the CR Plan and set forth the Rezoning Conditions, together with any other terms mutually agreed upon by the parties, including the following terms and requirements:
- a. Agreement and acknowledgement that the conditional rezoning was proposed by the applicant to induce the Township to grant the rezoning, and that the Township relied upon such proposal and would likely not have granted the rezoning but for the terms in the Statement of Conditions.

- b. Agreement and acknowledgement that the conditions and Statement of Conditions are authorized by all applicable state and federal laws and constitution, and that the Statement of Conditions is valid and was entered into on a voluntary basis, representing a permissible exercise of authority by the Township.
- c. Agreement and understanding that the property in question shall not be developed or used in a manner that is inconsistent with the CR Plan and Statement of Conditions.
- d. Agreement and understanding that each of the requirements and conditions in the Statement of Conditions represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved conditional rezoning, taking into consideration the changed zoning district classification and the specific use authorization granted.
- e. The Statement of Conditions shall be in a form recordable with the Branch County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
- f. Contain a legal description of the land to which it pertains.
- g. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land, unless otherwise agreed upon.
- h. Incorporate by attachment or reference the CR Plan and any other diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
- i. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of Branch County.
- j. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer

and consent to the provisions contained within the Statement of Conditions.

F. Approval

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning. Final approval of the conditional rezoning shall not be granted until the Statement of Conditions has been submitted to the Board for review.
2. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. All parcels involved in a conditional rezoning shall be designated with the suffix “-CR” following the conventional zoning district designation. The Zoning Administrator shall maintain a listing of all lands rezoned with a Statement of Conditions.
3. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of Branch County. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
4. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any provisions contained in the Statement of Conditions.

G. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable as provided in Section 24.11 of this Ordinance. Additionally,

any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

H. **Time Period for Establishing Development or Use.** Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within eighteen (18) months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy. The extension may be for up to twelve (12) months, and only one such extension may be granted.

I. **Reversion of Zoning.** If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection H above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests as provided in Section 4.02.

J. **Subsequent Rezoning of Land.** When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of Branch County that the Statement of Conditions is no longer in effect. The rezoning process shall be the same as for all other rezoning requests as provided in Section 4.02.

K. **Amendment of Conditions.**

1. During the time period for commencement of an approved development or use specified pursuant to Subsection H above or during any extension thereof

granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.

2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.
- L. **Township Right to Rezone.** Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the MZEA (Public Act 110 of 2006, as amended).
- M. **Failure to Offer Conditions.** The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

**ARTICLE 5
GENERAL PROVISIONS**

SECTION 5.01 ESTABLISHMENT OF DISTRICTS.

For the purpose of promoting the public health, safety, morals, and general welfare of the Township, the Township is hereby divided into the following zoning districts, the number of districts, shape, kind, and area of each district are deemed to be the most suitable to carry out the purpose of this Ordinance.

- AG - Agricultural District.
- R-1 - Low Density Residential District.
- R-2 - Medium Density Residential District.
- MF - Multiple Family District.
- C-1 - Neighborhood Business District.
- C-2 - General Business District.
- I-1 - Industrial District.
- OC - Open Space and Waterbody Conservation District
- UR - Urban District

SECTION 5.02 PROVISIONS FOR ZONING MAP.

These districts, so established, are bounded and defined as shown on the map entitled, "Zoning Map of Girard Township" adopted by the Township Board, and which, with all notations, references, and other information appearing thereon, is hereby declared to be part of this Ordinance and of the same force and effect as if the districts shown thereon were fully set forth by metes and bounds therein.

SECTION 5.03 CHANGES TO THE ZONING MAP.

If, in accordance with the procedures of this Ordinance and Act 110 of the Public Acts of 2006, as amended, a change is made in a zoning district boundary, such change shall be made by the Zoning Administrator / Code Enforcement Officer to the Zoning District Map of Girard Township, promptly after the ordinance authorizing such change shall have been adopted and published by the Township Board.

SECTION 5.04 AUTHORITY OF THE ZONING MAP.

Regardless of the existence of proposed copies of the Zoning Map which may from time to time be made or published, the Zoning Map which shall be located in the office of the Township Clerk or at the Township Hall shall be the final authority as to current zoning status of land, parcel, lot, district, use, building, or structures in the Township of Girard.

SECTION 5.05 REPLACEMENT OF THE ZONING MAP.

- A. In the event that the Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes made thereon, the Township Board may by resolution adopt a new Zoning Map which shall supersede the prior Zoning Map.
- B. The new Zoning Map may correct drafting or other errors or omissions on the prior Zoning Map, but no such corrections shall have the effect of amending the Zoning Ordinance.
- C. The new Zoning Map shall be identified by the signature of the Township Supervisor, attested by the signature of the Township Clerk, and bear the seal of the Township or be notarized under the following words:

“This is to certify that this is the Zoning Map referred to in the Zoning Ordinance of the Township of Girard, adopted on the _____ day of _____, _____, which replaces and supersedes all previously adopted versions of the Zoning Map.”

SECTION 5.06 INTERPRETATION OF ZONING DISTRICTS.

Where uncertainty exists as to boundaries of a Zoning District as shown on the Zoning Map, the following rules for interpretation shall apply.

- A. A boundary indicated as approximately following the centerline of a highway, street, alley, railroad, or easement shall be construed as the boundary.
- B. A boundary indicated as approximately following a recorded lot line, bounding a parcel, section line, quarter section line, or other survey lines shall be construed as the boundary.
- C. A boundary indicated as approximately following the corporate boundary of a City, Village, Township, or a natural shoreline shall be construed as the boundary.

- D. The scale of the map shall determine a distance not specifically indicated on the Zoning Map.

SECTION 5.07 APPLICATION OF REGULATIONS.

The regulations established by this Ordinance with respect to use of land, types of buildings or structures or the use thereof, within each zoning district are the minimum regulations necessary for the promotion and protection of the public health, safety, morals, and general welfare of the Township and its residents and are uniform for each class of land, building, or structures and the use thereof throughout each district, except as hereinafter specifically provided.

- A. No building, structure, or land shall be used or occupied, and no building or structure or any part thereof shall be erected, moved, or altered unless in conformity with the regulations specified for the district in which it is located.
- B. No building or structure shall be erected or altered in violation of the lot area, lot width, lot coverage, minimum floor area, front, side, or rear yard setback, height, off street parking, open space, interior living space, greenbelt buffer, accessory building, lot-building relationship, water supply, sanitary sewerage, street access, fences, walls and screens, swimming pools, signs and other regulations of such buildings or structures as provided in this Ordinance for the district in which such building or structure is located.
- C. No building or structure shall be erected or altered to accommodate or house a greater number of persons or families than is provided for by regulations of this Ordinance for such building or structure for the district in which the building or structure is located.
- D. No lot, lots, area, or acreage within any district shall be filled, backfilled, or built up above the normal grade level which would result in excessive water runoff, flooding, erosion, or damage to any adjacent property. Any filling, backfilling, or buildup of any lot, lots, area, acreage must include proper drainage area or rip-rap drainage ditches within the boundaries of such lot, lots, area, or acreage and must be approved by the Branch County Drain Commissioner. Such drainage ditches must be maintained on an on-going basis. Site plans must include finished grade level and adequate drainage plans.
- E. The Planning Commission shall have the power to classify a use of a building or structure or land which is not specifically mentioned in this Ordinance along with a comparable permitted or prohibited use of a building or structure for the purpose of regulating such unclassified use of a building or structure in any district in which such is located or proposed to be located.

SECTION 5.08 UNCLASSIFIED USES.

Where a proposed use of land or use of a building or structure, in any district is not contemplated or specified by this Zoning Ordinance, or where the Zoning Administrator / Code Enforcement Officer has a question as to the appropriateness of a use which was not contemplated or specified by this Zoning Ordinance, the Zoning Administrator / Code Enforcement Officer shall request a determination by the Planning Commission.

If the Planning Commission determines that such a use is similar to another use specified in the Ordinance, then the Planning Commission may permit such use as a Special Use, subject to any standards or conditions applicable to the similar use but only after the proper procedure has been followed for a Special Use Permit, and that the determination has been made that no adverse effects will be made upon adjacent property, that the use is similar to other uses in the district in which it is proposed to be placed, and the spirit, purpose, and intent of this Zoning Ordinance and the Master Plan are not impaired by permitting such use at the proposed location providing that the use complies with Article 11, and any other Article of this Ordinance that may apply.

SECTION 5.09 THE EFFECTS OF ZONING.

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

**ARTICLE 6
SUPPLEMENTAL REGULATIONS**

SECTION 6.01 APPLICATION OF SUPPLEMENTAL REGULATIONS.

The following regulations of buildings, structures, land and the use thereof are applicable to all Zoning Districts regardless of classification unless specifically listed hereinafter in this Article.

SECTION 6.02 ACCESSORY BUILDINGS.

Accessory Buildings shall be defined as but not limited to a garage, storage building, shed, pole building, barn, decks, patios, or any structures or buildings not used as a principal dwelling.

- A. In the following Zoned Districts: R-1 (Low Residential), R-2 (Medium Residential), MF (Multiple Family), C-1 (Neighborhood Business), C-2 (General Business), and UR (Urban), the maximum height for an accessory building shall be 16 feet, as measured from the finished grade level to the average of the roof measured between the peak of the ridge and the eave. However, an accessory structure shall be permitted to be up 24 feet in height if it is set back one additional foot from all property lines for every foot of height over 16 feet, above and beyond the required setback for the zoning district in which it is located.
- B. It shall be unlawful for any person to construct, or cause to be constructed, any accessory building upon any property within Girard Township without first obtaining a Zoning Permit, as provided for in this Article or any other Article of this Ordinance and without complying with the provisions of this Article, Application, Fees, and other provisions of this Ordinance.
- C. An Accessory Building attached to a principal building and constructed in conjunction with the principal building shall not require a separate Zoning Permit.
- D. Where an Accessory Building is attached to the side, front, or back of a principal building, such accessory building shall be considered part of the principal building for the purposes of determining yard dimensions. An accessory building shall be considered attached to a principal structure when it shares a common wall with an interior means of passage to the principal structure from the accessory structure.
- E. Accessory structures must be located in a side or rear yard, except in the case of a lot with Center Lot Lines, as defined in Section 2.02, in which case an accessory structure may be located on the side of the roadway that does not contain the principal structure. Accessory structures may be located no nearer than seven (7) feet from any lot line,

unless the minimum required setback distance for that zoning district is less than seven (7) feet.

F. No detached accessory building shall project into any front yard setback. The distance between an accessory building and any principal building shall not be less than ten (10) feet.

1. An accessory building shall be exempt from the provisions of this section, if the accessory building or structure is 100 square feet or less.

G. Where a corner lot adjoins a side street in any residential district, no accessory building shall be located nearer to the side street lot line than the side yard setback of the principal building.

H. Accessory buildings shall be a stick built, prefab wood kit, retail metal shed kit or the equivalent new construction; no mobile home, camper, vehicle, semi-trailer, or similar items shall be used as an accessory building or storage structure.

1. [No permit shall be required for accessory buildings 100 square feet or less](#)

• [or](#)

2. [An accessory building shall be exempt from the provisions of this section if the accessory building or structure is 100 square feet or less.](#)

I. Decks and patios shall be governed by the following standards:

1. Terraces and patios may project into a required yard provided:

- a. That such structures are unroofed and without walls or other continuous enclosure;
- b. That the elevation of such structures is no more than nine (9) inches above the existing grade;
- c. That no such structure shall be permitted nearer than five (5) feet to any lot line;
- d. That such areas and structures may have open railings or fences not exceeding three (3) feet in height;
- e. That such structures shall be included in the calculations of lot coverage.

2. Decks and porches may project into a required yard setback area provided:

- a. That such areas and structures may have open railings or fences not exceeding four (4) feet in height;

- b. That such structures may have non-continuous windbreaks, visual screens, or walls not exceeding six (6) feet in height in a rear or side yard, or three (3) feet in height in a front yard, and not enclosing more than one-half the perimeter of the deck or similar structure, except where not permitted by this Ordinance; and
- c. The maximum extent of the encroachment into the required setback areas are:
 - Ten (10) feet into a rear yard or waterfront yard setback area.
 - Three (3) feet into the side yard setback area.

SECTION 6.03 LOT BUILDING RELATIONSHIP.

Hereinafter, every building erected, altered or moved shall be located on a lot as defined herein, except in the case of an approved multiple dwelling, no more than one principal building and its accessory buildings shall be located or erected on each lot.

SECTION 6.04 ACCESSORY BUILDINGS AND CAMPERS AS DWELLINGS.

No accessory building shall be used for dwelling purposes. No mobile campers shall be used for dwelling purposes except in an approved campground.

SECTION 6.05 BASEMENT AS A DWELLING.

No basement building shall be used for occupancy unless a completed story is situated immediately above the basement structure and such story is used as a dwelling. Earth Homes must be approved by the Branch County Building Inspector.

SECTION 6.06 REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES.

No structure for human occupancy shall hereinafter be erected, altered, moved, used, or occupied unless it shall be provided with a safe, sanitary and potable water supply, and a safe effective means of collection, treatment and disposal of waste as certified in writing by the Branch-Hillsdale-St Joseph District Health Department, its successors or assignee.

SECTION 6.07 GREENBELT BUFFER.

Prior to commencement of construction of any building or structure in a commercial or industrial district where the property on which such structure or building is to be erected or placed, abuts, adjoins or is adjacent to property located within a residential district, a greenbelt

buffer shall be provided and shall thereafter be maintained in accordance with specifications and requirements as follows. The greenbelt buffer shall be at least fifty (50) feet wide as measured from the perpendicular to the adjoining residential district boundary line and shall be composed of the following materials or any combination thereof: evergreens, deciduous trees, shrubs, and bushes, which shall be no less than eight (8) feet high and of such density as to provide screening, and shall be sodded, seeded and landscaped, and continuously maintained as a lawn.

SECTION 6.08 ACCESS TO A STREET.

- A. Any lot of record created after the effective date of this Ordinance without any frontage on a public street or right-of-way shall not be occupied except where access to a public street or right-of-way is provided by public or private easement no less than sixty-six (66) feet in width.
- B. Public access to a commercial, industrial, or recreational use shall not be designed so as to pass through a residential neighborhood.
- C. A private road which serves more than one separately held parcel, or more than one dwelling unit, or more than one commercial or industrial activity shall be constructed to the Branch County Road Commission standards. While such road remains private, hard surfacing will not be required.

SECTION 6.09 VISIBILITY AT INTERSECTIONS.

No structure, wall, fence, sign, shrubbery, parked vehicle, stored material, or trees shall be placed, erected, planted, or maintained on any lot which will obstruct the view of the driver of a vehicle approaching an intersection; excepting that shrubbery and low retaining walls not exceeding three (3) feet in height above the curb level and trees where all branches are not less than eight (8) feet above the street level will be permitted. In the case of corner lots, this shall also mean that there shall be provided an unobstructed triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the pavement edge lines, or in the case of a rounded corner, from the intersection of the street property lines extended. At driveways, the lines forming the triangular are reduced 15 feet.

SECTION 6.10 STREET CLOSURES.

Wherever any street, alley, or other public right-of-way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of

such vacated way, and all area included therein shall henceforth be subject to all appropriate regulations of that district in which such area is located.

SECTION 6.11 EXEMPTIONS FROM HEIGHT REGULATIONS.

The following structures shall be exempt from height requirements provided in the district in which the structures are located, spires, belfries, or domes not used for human occupancy, chimneys, ventilators, water tanks, bulkheads, utility poles, power lines, radio, television and other receiving antennas, silos, grain leggs, and other necessary agricultural related structures and mechanical appurtenances, providing their location shall conform where applicable to the requirements of the Federal Communications Commission, the Civil Aeronautics Administration and other public authorities having jurisdiction.

SECTION 6.12 ADDITIONAL SETBACKS ON MAJOR STREETS.

Notwithstanding any other provision of this Ordinance, no building or structure shall be hereafter constructed, erected or enlarged on a lot abutting a street designated as a County Primary Road in the Girard Township Master Plan, as the same shall be amended from time to time, unless the following minimum building setback of one hundred (100) feet measured from the street centerline is maintained.

SECTION 6.13 MINIMUM PUBLIC STREET FRONTAGE.

Every principal building or use shall be located on a lot having a minimum lot frontage on a public street or a private road as specified in each Zoning District, or if unspecified a minimum of 100 feet frontage on a public street or private road.

SECTION 6.14 SHORELINE, EXCAVATION AND DREDGING.

No person shall alter, change, transform, or otherwise vary the edge, bank, or shore of any Lake, River, Channel, or Stream except in conformance with the following.

- A. As provided in the Inland Lakes and Stream Act, Act 346 of the Public Acts of 1972, as amended, and in accordance with the requirements of the Michigan Department of Natural Resources.
- B. If any edge, bank, or shore of any Lake, River, Stream, or Channel is proposed to be altered in any way by any person, such person shall submit to the Planning Commission in care of Girard Township Hall, 1009 Marshall Road, Coldwater, Michigan 49036, all

data, exhibits and information as required by the Department of Natural Resources within 60 days of Department of Natural Resources approval. Said submission shall be reviewed at the next scheduled Planning Commission meeting and placed on file at the Girard Township office.

SECTION 6.15 ESSENTIAL SERVICES.

Following the construction, erection or placing of Essential Services on, or under the surface of the land, the surface of the land shall be restored as nearly as possible, within a practical time, to the condition as it existed prior to construction or erection of such Essential Service structures; however, this regulation shall in no way prevent the landscaping of the surface of such land in such a manner so as to improve the surface of the land over the condition thereof as it existed prior to such construction or erection.

SECTION 6.16 SWIMMING POOLS.

All swimming pools shall conform to the requirements of the Michigan Building Code. Swimming pools over 24 inches in depth shall require a zoning permit as well as a building permit from the County Building Department and shall satisfy the requirements of the Building Code in effect at the time.

In addition, setbacks for swimming pools shall be the same as for accessory structures (see Section 6.02) unless a larger setback is required by the Building Code. Swimming pools shall satisfy the minimum yard requirements in the front yard.

SECTION 6.17 CONTINUED CONFORMANCE WITH REGULATIONS.

The maintenance and use of buildings, land, or structures in compliance with the regulations provided for in this Ordinance and applicable thereto shall be the continuing obligation of the owner, occupant, and user of such building, land, or structures.

All buildings and structures erected or constructed in any district must conform to the general plan of that district.

SECTION 6.18 COMMON USE (KEYHOLE) ACCESS.

- A. **Intent.** Special use provisions in accordance with Article 11 of the Girard Township Zoning Ordinance are established to regulate land uses and development adjoining water bodies in any Zoning District. The purpose of these regulations is to protect the

public health, safety, and welfare which could be threatened by the over-usage of inland lakes, and avoid situations which may create a nuisance, impair important irreparable natural resources and lessen property values. These regulations are intended to reinforce the implementation of the Michigan Inland Lakes and Streams Act (Public Act 346 of 1972).

- B. **Common Use Lot (Keyhole) Defined.** A common use riparian lot (keyhole) shall be defined as any private site, platted lot or other parcel held in common by a subdivision, condominium, association, similar agency or group of individuals, or held in common by virtue of the terms of a plat of record; which provides common use riparian access to non-riparian lots or land owners.
- C. **Applicability.** These regulations shall apply to the following common use lots:
1. Those lots created after the effective date of this ordinance.
 2. Those lots of record existing prior to the effective date of this ordinance that did not provide common use access to a water body (riparian rights to non-riparian land owners) prior to the effective date of this ordinance.
 3. Lots that have been providing common use access to a water body for a defined geographical area or a specific number of lots through an association or subdivision/condominium deed prior to the effective date of this ordinance, and where it is proposed to expand the geographical area or number of lots that are provided common use access to a water body through said common use access lot.
 4. Lots of record existing prior to the effective date of this ordinance that have been providing common use access to a water body for a defined geographical area or a specific number of lots may continue to provide riparian rights subject to the marina operating permit requirements of the Michigan Department of Natural Resources under the Michigan Inland Lakes and Streams Act.
- D. **Uses Subject to Special Use Permit.** The following uses shall be permitted in any district upon approval of the Planning Commission and subject to conditions as specified in Article 11.
1. Recreational sites, including bathing beaches, playgrounds, boat launching sites, and other recreational areas.
 2. Scenic sites.
 3. Trails, bicycle paths and access routes, other than dedicated streets.

4. Boat docks provided that all of the requirements of Paragraph G are met.

E. Area and Bulk Requirements. Waterfront sites dedicated to common use shall conform in all respects to the area and bulk requirements of the zoning district in which it is located.

F. General Requirements.

1. The deed to such lot or parcel shall specify the non-riparian lots or parcels which shall have rights to its use.
2. Such riparian lot or parcel shall have a minimum frontage of 150 feet, measured by a straight line which intersects each side lot line at the water's edge; a minimum lot depth of 100 feet, measured as the minimum distance between the water's edge and the lot line which is opposite the water's edge; and a minimum area of 30,000 square feet.
3. A paved parking area will be provided at a rate of one, 10 foot by 40 foot parking space for every four lots permitted to utilize the access.
4. A 20-foot greenbelt buffer must be maintained along all side property lines, and must include evergreen plantings at a height and space that will provide at least a six foot high, year-round visual screen within three years.
5. Trash receptacles must be provided and maintained on site.

G. Boat Docks.

1. The boat dock facility must obtain a permit for marina operation from the Michigan Department of Natural Resources in accordance with Administrative Rules of the Michigan Inland Lakes and Streams Act (P.A. 346 of 1972, as amended). Design for a boat dock facility shall meet all of the Michigan Department of Natural Resources standards for marinas.
2. All docks, swimming platforms, seawalls, buoys, and other devices placed in or on the lakes in Girard Township must meet all applicable state and federal (i.e. MDEQ, MDNR, etc.) standards.

SECTION 6.19 LIABILITY.

No officer, agent, employee, or member of the Township Board, the Planning Commission, or the Zoning Board of Appeals shall render himself or herself personally liable for any damage that may occur to any person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance, nor shall any officer, agent, employee, or member of the Township Board, The Planning Commission, or the Zoning Board of Appeals be held liable for any damages that may occur to any person as a result of any act, decision, or other consequences or occurrence arising out of the discharge of duties pursuant to this Ordinance.

SECTION 6.20 FENCES

The Zoning Administrator / Code Enforcement Officer shall be responsible for the administration, approval, and enforcement of the fence requirements of the Girard Township Zoning Ordinance.

- A. It shall be unlawful for any person to construct, or cause to be constructed, any fence upon any property in a R-1, R-2, MF, C-1, C-2, I-1, OC, or UR District as described in this Ordinance without first having obtained a Zoning Permit as provided for in this ordinance, and complying with the provisions of this ordinance.

- B. Any person desiring to construct, or cause to be constructed a fence upon any property in any district described in this Article, shall first apply to the Zoning Administrator / Code Enforcement Officer for a permit. The permit shall be issued by the Zoning Administrator / Code Enforcement Officer upon a written application, which shall contain such information as may be required by the Administrator to determine that the fence will not violate any ordinance of the township or any State law. Fees for such permit shall be established by resolution of the Girard Township Board
 - 1. In the event that the proposed fence is located on a property line and the adjacent property owners cannot agree on the fence being located on the property line, a minimum setback from the property line will be required.

- C. All fences and walls shall be erected so that the finished face of the fence or wall faces outside the property with any visible post or supports being located on the inside of the fence or structure.

- D. The height of a fence or wall shall be measured from the average finished grade level of the lot within twenty (20) feet of the fence.

- E. Fences installed in the minimum required front yard setback area in all R-1, R-2, and MF zoned districts shall not exceed a total height of thirty-six (36) inches and must comply with Section 6.09 of this Ordinance.
- F. Fences installed in side or rear yard setbacks in all R-1, R-2, and MF zoned districts shall not exceed a total height of six (6) feet from the finished grade level of the lot within twenty (20) feet of the fence.
- G. Within 40 feet from the water’s edge in waterfront yards, fences are permitted provided they do not exceed three feet in height.
- H. Fences in all R-1, R-2, and MF zoned districts shall consist of one of the following materials or like materials approved by the Zoning Administrator / Code Enforcement Officer, and shall be uniform in construction and design.
 - 1. Solid Wood Fence: shall be constructed of boards not exceeding six (6) inches in width placed in a vertical or horizontal position attached to a frame or post of like material, such fence may be stained, painted, or remain in a natural state and must be well maintained.
 - 2. Wire Fence: shall be constructed with a chain link or wire of comparable character approved by the Zoning Administrator / Code Enforcement Officer, and must be well maintained.
 - 3. Poly-Vinyl Fence: shall be constructed of a poly-vinyl material units not exceeding six (6) inches in width placed in a vertical or horizontal position attached to a frame or post of like material, must be well maintained.
 - 4. Stone Wall or Other Material Fences: must be approved by the Zoning Administrator / Code Enforcement Officer and must be constructed in a uniform design, and must be well maintained.
 - 5. No fences constructed of wire laced, metal, or other materials not approved by the Zoning Administrator / Code Enforcement Officer shall be permitted.
- I. Fences in all C-1, C-2, I-1 or any Commercial or Industrial Zoned District must comply with the following regulations.
 - 1. Fences installed or erected in all C-1 , C-2, I-1, or any Commercial or Industrial zoned district shall require a Zoning Permit.

2. All fences in these districts shall not exceed a height of ten (10) feet from the finished grade level and must comply with all other requirements of this Ordinance.
 3. Solid Wood fences shall be constructed of boards not exceeding eight (8) inches in width placed in a vertical or horizontal position attached to a frame or post of like material, such fence may be painted, stained, or in a natural state, and must be well maintained.
 4. Poly-Vinyl Fences shall be constructed of poly-vinyl material units not exceeding eight (8) inches in width placed in a vertical or horizontal position attached to a frame or post of like material, and must be well maintained.
 5. Stone or Other Fences must be approved by the Zoning Administrator / Code Enforcement Officer constructed in a uniform design, and must be well maintained.
 6. No wire, wire laced, metal or materials not approved by the Zoning Administrator / Code Enforcement Officer shall be permitted.
- J. Fences shall not be constructed in any public right-of-way, parks, playgrounds, or public areas. Fences which enclose public or private parks, playgrounds, fields and similar recreation or athletic used areas situated in an area with recorded lots, may contain fencing not exceeding a height of eight (8) feet. Such fencing may be installed only upon review and approval by the Zoning Administrator / Code Enforcement Officer upon finding that such fencing is needed for reason of public safety, protection of property from vandalism, or to prohibit unwanted trespass. Backstops and similar recreation facility are exempt from these provisions provided they are located on public, Township or School property.
- K. Fences or walls higher than permitted by the zoning district may be permitted by the Planning Commission as a Special Use if it is demonstrated that such a fence or wall is necessary for public safety, or is necessary for proper operation of the principal use.
- L. Penalty. Any person violating any of the provisions of this Article shall be subject to the penalties set forth in Section 24.11 of this Ordinance.

SECTION 6.21 WIND ENERGY CONVERSION SYSTEMS (WECS)

- A. **Purpose.** The regulation of Wind Energy Conversion Systems (WECS), including the height, minimum lot area, and required setbacks for such systems, is intended to provide for an alternative source of power generation while protecting the health,

safety, and welfare of Township residents. The system, its construction, and its operation shall comply with all applicable local, state, and federal regulations.

- B. **Definition.** WECS: A system which converts wind energy into electricity or mechanical energy through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related equipment.
1. A "small turbine/on-site" system is intended to primarily serve the needs of the customer on the site which the system is located, with a single tower that may or may not be connected to the utility grid. Traditional windmills converting wind into mechanical energy for purposes of pumping water, grinding grains, and other similar purposes to serve the property on which it is located shall be considered a small turbine/on-site system.
 2. A "large turbine/utility grid system" is designed to generate electricity from one or more towers (within an array) and is intended to serve institutions, residential communities, or larger cooperative organizations.
 3. A "Met tower" is a tower used at a potential WECS site with equipment attached to it designed to measure the wind speed and other weather conditions at various heights proposed for potential wind turbines.
- C. **Special exception use.** Due to the concerns related to health, safety, and welfare and the increased potential for impacts on adjacent properties, such both the WECS and the Met tower shall be regulated as special exception uses within all zoning districts, provided the land area is sufficient to support their development and operation (see subsection D.2 below). The following requirements shall be met and the Planning Commission may impose additional conditions where appropriate:
1. In addition to the requirements for Special Uses (Article 11) and Site Plan Review (Article 10), the application for the WECS and/or a Met tower shall include the following additional information:
 - a. the location of overhead electrical transmission or distribution lines, whether utilized or not
 - b. the location of the WECS with its specific dimensions, including the entire area through which the rotor(s) may rotate and/or the location of the Met tower with its specific dimensions
 - c. the location of any guy wires, other support devices, or accessory structures or facilities

- d. the location of all structures and land uses (including dwelling units) within 500 feet of the WECS and/or Met tower
 - e. proof of the applicant’s public liability insurance for the project
 - f. the name, address, and telephone number of the owner(s) of the proposed system
 - g. manufacturer’s name and address
 - h. survival wind speed in miles per hour and meters per second for the tower and the maximum power output for the generator
 - i. name, address, and telephone number of the installer
 - j. proof of liability insurance from the installer
 - k. name, address, and telephone number of the person responsible for maintenance
 - l. the height of the WECS and/or Met tower, as described in paragraph D.1 below
 - m. the setbacks from the wind turbine and/or Met tower and any accessory components (structure, guy wires, etc.) to the adjacent property lines
2. **Electromagnetic interference:** The entire WECS (including turbines, alternators, generators, and interconnect systems) and/or Met tower shall be located, designed, and filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio, television broadcasting, wireless telephone, and/or personal communication transmission or reception, and shall comply with all applicable state and federal rules and regulations.
3. **Noise:** The maximum level of noise permitted to be generated by any WECS and/or Met tower shall be 55 decibels, as measured on the db(A) scale, measured at the property line nearest the WECS or Met tower. This decibel level may be exceeded during short term events such as utility outages or severe wind storms. If the ambient sound level prior to installation exceeds 55 decibels, the maximum noise standard shall be the ambient decibels plus five. The Planning Commission may request that a baseline study of the decibel levels existing prior to and modeling of noise levels predicted for after the installation be included as required documentation for review.

4. **Visual Impact:** Both wind turbines and Met towers shall use tubular towers and shall be finished in a single, non-reflective, matte-finished color. A Met tower shall also be permitted to be of a lattice-type design. Multiple towers involved in a “large turbine/utility grid” WECS shall be constructed of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Accessory structures may have lettering that exhibits the manufacturer’s and/or owner’s identification.

D. Site development.

1. **Height:** The height of the wind turbine shall be measured from the existing grade at the base of the turbine to the top of the blade or rotor at its tallest point. The height of the Met tower shall be measured from the existing grade at the base of the tower to the top of the unit at its tallest point.
 - a. The maximum allowable height for any "small turbine/on-site" WECS, based upon the combined tower and rotor blade length, shall be 40 feet for site parcels of one to less than two acres, 80 feet for site parcels of two to less than three acres and up to 120 feet for site parcels of three acres or more.
 - b. The maximum allowable height for any "large turbine/utility grid" WECS, based upon the combined tower and rotor blade length, shall be 300 feet. The Planning Commission, in consideration of a request, may approve an increase to this height requirement where the following requirements are met:
 - i. The increased height will result in the preservation of a substantial stand of trees, existing land forms, or structures that would otherwise be required to be removed to satisfy anticipated and required wind velocity.
 - ii. The increased height is the minimum necessary to achieve a reasonable rate of return on the operation of the wind turbine generator given the documented wind speeds and other site conditions. A reasonable rate of return is not equivalent to maximizing economic return. The Planning Commission shall not grant the increased height if the lack of economic return is due to the use of inefficient equipment that does not utilize current commercial technologies or would be aesthetically injurious to the area.

- iii. The increased height will not result in increased intensity of lighting on the tower due to Federal Aviation Administration (FAA) requirements.
- c. A WECS located in proximity to an airport may be subject to additional height limitations as provided in the airport’s layout or approach plan.
- d. The maximum allowable height for a Met tower and applicable height requirements shall be the same as for a WECS as indicated in the paragraphs above depending on the size of the parcel and the intended type of WECS.

2. Lot area/setbacks:

- a. No "small turbine/on-site" WECS or associated Met tower shall be erected on any lot or parcel less than one acre in area and shall be situated on the lot or parcel so that no portion of the tower or turbine is closer to property lines (excluding public utilities) than 150 percent of the height of the tower or turbine as defined in subparagraph D.1 above.
- b. No "large turbine/utility grid" WECS or associated Met tower shall be erected on any parcel less than five acres in area and shall be situated on the parcel so that no portion of the tower or turbine is closer to property lines (excluding public utilities) than 150 percent of the height of any tower or turbine as defined in subparagraph D.1 above.
- c. On parcels where more than one turbine are proposed, sufficient land shall be provided so that minimum lot area and setback requirements may be satisfied for each proposed turbine individually on the site.
- d. Guy wires or other elements of the support structure shall not extend closer than ten feet to the owner’s property lines.
- e. Accessory structures or other accessory equipment used in the function of the WECS and/or Met tower shall satisfy the setback requirements of the subject zoning district.

3. Ground Clearance: For both horizontal and vertical axis turbines, the WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level is 20 feet.

4. Safety / Accessibility: All 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. Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder to a height of 12 feet. All spent lubricants and cooling fluids shall be properly and safely removed promptly from the site of the WECS. A sign shall be posted near the WECS containing emergency contact information as well as near the entrance warning visitors about the potential danger of falling ice.

5. **Connection to power grid:** If the WECS is to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The owner shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sellback or non-sellback) and the owner will be required to install a disconnecting device adjacent to the electric meter(s).
 6. **Lighting:** The WECS and/or Met tower shall be lighted in compliance with the minimum requirements of the Federal Aviation Administration (FAA).
 7. **Vibration:** Under no circumstances shall a WECS or Met tower produce vibrations humanly perceptible beyond lot boundaries.
 8. **Additional studies:** The applicant may offer and submit, or the Planning Commission may require, that the applicant submit studies related to noise, vibration, environmental impacts, or similar issues that may be considered a nuisance. In addition, such studies may include avian and wildlife impact, visual impacts, shadow flicker (changes in light intensity caused by the moving blade) or similar issues based upon compatibility of the proposed use in the requested location.
- E. **Decommission plan/site reclamation.** The applicant shall submit a plan that indicates the necessary anticipated life of the project, the estimated cost and method to ensure the availability of maintenance and removal funds, and the manner in which the site will be reclaimed.
- F. **Abandonment of unused turbines.** Abandoned or unused turbines and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the Planning Commission. A copy of the relevant documents (including the signed lease, deed, license, or land contract) which allows the installation and which requires the applicant to remove the turbine and associated facilities upon cessation of operations shall be submitted at the time of application. In the event that a turbine is not removed within the 12 months of the cessation of

operations at a site, the turbine and facilities shall be removed by the Township and the costs of removal assessed against the real property.

- G. **Bonding.** Bonding may be required by the Township to insure performance in accordance with these requirements, adequate insurance coverage, decommissioning, and removal of the turbines. The amount of the bond shall be determined based on the value of the project and the estimated cost of removal.

SECTION 6.22 SOLAR ENERGY SYSTEMS

A. Definitions.

- 1. *Solar Energy System.* A solar photovoltaic cell, panel, or array that converts solar energy to usable thermal, mechanical, chemical, or electrical energy.
- 2. *Solar Storage Battery.* A device that stores energy from the sun and makes it available in an electrical form.

B. Rooftop Solar Energy Systems.

Rooftop and building mounted solar energy systems are permitted in all zoning districts., subject to the following regulations:

- 1. Roof mounted 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 rooftop and building mounted systems.

C. Ground Mounted Solar Energy Systems.

Ground mounted and freestanding solar energy systems are permitted in all zoning districts, subject to the following regulations:

- 1. **Location.** The solar energy system may not be located in either the required or the non-required front yard or waterfront yard of any lot, and shall be set back a minimum of 7 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. **Area.** No more than 20% of the total lot area may be covered by a ground mounted solar energy system.
- D. **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.
- E. **Removal.** If a 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.
- F. **Solar Access.** The Township makes no assurance of solar access other than the provisions of this Section. The applicant may provide evidence of covenants, easement or similar documentation for abutting property owners providing access to solar energy for the operation of a solar energy system.

SECTION 6.23 OUTDOOR FURNACES

- A. **Permit Required:** No person shall cause, allow or maintain the use of an outdoor furnace without first having obtained a zoning permit from the Zoning Administrator and all appropriate construction permits.
- B. **Permitted Fuel:** Only firewood, wood pellets, untreated lumber, and untreated agricultural products such as corn pellets or seeds are permitted to be burned in any outdoor furnace. Burning of any other materials, including but not limited to garbage, painted or treated wood, rubber, or newspaper, in an outdoor furnace is prohibited.
- C. **Minimum Setbacks:** Outdoor furnaces shall be set back no less than 75 feet from the front, rear and side lot lines, and no less than 200 feet from the nearest existing dwelling on abutting property.
- D. **Chimney Height:** The height of the chimney shall satisfy the manufacturer's recommendations.
- E. **Effect of Other Regulations:** Nothing contained herein shall authorize or allow burning which is prohibited by codes, laws, rules or regulations promulgated by any federal, state, regional or local agency. Outdoor furnaces and any electrical, plumbing or other apparatus or device used in connection with an outdoor furnace shall be installed, operated and maintained in conformity with the manufacturer's specifications and recommendations and all local, state and federal codes, laws, rules and regulations.

SECTION 6.24 KEEPING OF POULTRY, SWINE, HORSES, OR LIVESTOCK

- A. The keeping of poultry, swine, horses, or livestock shall be prohibited in all zoning districts except the AG-Agriculture zoning district, except as provided below.

- B. The keeping of poultry, swine, livestock, or horses and other similar animals as pets, for educational purposes, or for similar personal use, is permitted under the following conditions:
 - 1. Activities shall be conducted on less than a commercial scale for the private enjoyment and use of the property owners.
 - 2. There shall be a minimum of one acre in order to keep horses, cattle, and swine, or similar animals.
 - 3. A building, other than the primary residence on site, used to shelter animals and/or any area used to store, dispose of, or compost manure, shall not be located closer than 50 feet to any property line.

- C. The keeping of poultry, swine, horses, or livestock is further prohibited (except in the AG – Agriculture district) where conditions of maintenance are such to cause:
 - 1. Unpleasant odors to be generated sufficiently strong to be discernible upon property of others.
 - 2. Noise to be generated sufficiently loud to penetrate indoors upon property of others.
 - 3. Flies, insects, or rodents to be attracted to the place where said animals and/or fowl are kept and are thereafter permitted to multiply and escape upon adjoining property.
 - 4. Said animals or fowl, alive or dead, or any refuse there from are able to trespass or be carried upon adjoining property.

ARTICLE 7
NON-CONFORMING BUILDINGS, USES, AND LAND

SECTION 7.01 CONTINUATION OF NON-CONFORMING BUILDINGS AND USES.

Buildings, structures, and uses of buildings, structures, and land which were previously lawful prior to adoption or amendment of the Township Zoning Ordinance, may be continued although such buildings, structures, or uses do not conform to the provisions and regulations of this Ordinance, subject to the limitations, conditions, and requirements set forth in this Article.

SECTION 7.02 STRUCTURAL CHANGES

The building, structure, land, or the use thereof shall not be structurally changed, altered, enlarged, increased, or moved in whole or in part unless the building, structure, land, or the use thereof in its entirety conforms to the provisions of this Ordinance applicable to the district in which it is located.

SECTION 7.03 EXTENSIONS

A non-conforming use of a building, structure, or land shall not be extended in any manner unless such use in its entirety complies with the provisions of this Ordinance applicable to the district in which it is located.

SECTION 7.04 ABANDONMENT

Wherever a non-conforming use of land shall be abandoned for a period of more than ninety (90) days and whenever a non-conforming use of a building or structure be abandoned for six (6) consecutive months such use shall not thereafter be reestablished or continued in any manner unless such use conforms to the provisions of this Ordinance applicable to the district in which it is located.

SECTION 7.05 REVERSION TO NON-CONFORMING USE

If a non-conforming building or structure, or a non-conforming use of a building, structure, or land is changed or altered in any manner so as to bring it into compliance with the provisions of this Ordinance applicable to the district in which it is located, such building, structure, use of such building, structure, or land shall not thereafter be changed back to a non-conforming use, building, or structure.

SECTION 7.06 IMPROVEMENTS

Nothing in this Ordinance shall prohibit the improvement or modernizing of a lawful non-conforming building or structure, provided that such improvement or modernizing does not increase the height, area, bulk, or use of such building or structure unless such improvements are in conformance with the current standards of the Ordinance.

SECTION 7.07 EXPANSION OR ENLARGEMENT OF NONCONFORMING STRUCTURE

- A. An existing non-conforming structure may be expanded or enlarged provided the entire expansion area is in conformance with the current standards of the district in which it is located.
- B. Enlargement within noncomplying areas may be approved provided the expanded area does not encroach any closer to the noncompliant property line than the existing building already encroaches or otherwise does not increase the degree of nonconformity of the structure.

SECTION 7.08 REPAIRS

Any lawful non-conforming building or structure may be repaired during its normal useful life to correct deterioration, obsolescence, depreciation, and normal wear and tear.

SECTION 7.09 RESTORATION OF DAMAGE

Any non-conforming use damaged by fire, explosion, flood, or other such acts of God, may be restored or rebuilt provided that such restoration or rebuilding does not exceed the original foundation, that was not in compliance with this Ordinance, or revised setback restrictions, and regulations at the time of the loss.

SECTION 7.10 PRIOR CONSTRUCTION APPROVAL

When, on or before the effective date of this Ordinance or any amendment thereto, a zoning and/or building permit has been issued for construction or erection of a non-conforming building or structure, such building or structure may be completed in accordance with the zoning and/or building permit and shall thereafter become a non-conforming building or structure providing that construction is commenced within ninety (90) days after the issuance of the building permit, and the construction is carried on diligently and in accordance with Sections 2.05 through 2.08 of this Ordinance.

SECTION 7.11 DISTRICT CHANGES

Whenever the boundaries of a district shall be changed by amendment to this Ordinance so as to transfer land from one district to another of a different classification or having different regulations, lawful buildings or structures, and lawful uses of buildings, structures, or land existing on the effective date of such amendment shall become non-conforming buildings or structures, or uses of buildings, structures, or land as a result of the boundary change if such building, structures, or uses of land does not comply with the regulations of the district in which the building, structure, or land will be located.

SECTION 7.12 ELIMINATION OF ILLEGAL BUILDINGS, STRUCTURES, AND USES

In accordance with state statute, the Township Board may acquire by condemnation or other means, properties on which illegal buildings, structures, or uses are located and may remove such uses, buildings, or structures, or may be used by the Township for Public use. The cost and expense of such acquisition may be assessed as a lien against the property.

SECTION 7.13 RESTORATION OF UNSAFE BUILDINGS.

Subject to the provisions for non-conforming uses and structures above, nothing in this Ordinance shall prevent the strengthening or restoration to a safe condition any part of any building or structure.

SECTION 7.14 REPLACEMENT OF CERTAIN NONCONFORMING STRUCTURES

A structure that does not conform to minimum floor area and/or core area standards of the district in which it is located may be removed and replaced by another structure that also does not conform to the minimum standards of the district provided the replacement structure is the same size or larger than the one being removed therefore bringing the site closer to conformance. The replacement structure must also meet all of the standards and requirements to be designated as a HUD-approved home.

SECTION 7.15 NONCONFORMING LOTS

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

- A. **Use of Nonconforming Lots:** Any non-conforming lot may be used for any use permitted in the district in which it is located. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that the lot is in conformance with all other applicable yard setback, minimum floor area, and maximum height requirements for the district in which it is located (see item C below).
- B. **Variance to Area and Bulk Requirements:** If the use of a non-conforming lot requires a variation of the minimum floor area and bulk (minimum setback and maximum height) requirements, then such use shall be permitted only if a variance is granted by the Zoning Board of Appeals. (See item C below).
- C. To develop a nonconforming lot(s) under the provisions of paragraphs A and B of this section, the applicant is required to submit evidence that ownership of the lot was not under contiguous single ownership with other lots which could have been combined into a conforming or more conforming lot.
- D. **Nonconforming Contiguous Lots under the Same Ownership:** The following regulations shall apply to nonconforming contiguous lots under the same ownership.
1. If two or more lots or a combination of lots with contiguous frontage are or have been under 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. Any altering of lot lines or combination of lots shall result in lots, which conform to the requirements of this Ordinance.
 2. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made which creates a lot with width or area less than the requirements stated in this Ordinance.
 3. Any combination, in whole or in part, of non-conforming lots of record shall result in lots that conform to the requirements of this ordinance to the maximum extent feasible.
 4. Once any combination that creates a conforming lot occurs, the resulting lot shall not retain nonconforming lot of record status and will hereafter be required to comply with the lot requirements of this ordinance.

**ARTICLE 8
SIGN REGULATIONS**

SECTION 8.01 GENERAL SIGN REGULATIONS

No sign shall be erected at any location, where by reason of position, size, shape, color, movement, or illumination it may interfere with or obstruct the view of, or be confused with any traffic sign, signal or device, so as to interfere with, mislead or confuse traffic.

Consideration of traffic visibility and injurious effect on adjacent properties is essential. All signs shall be designed, constructed and maintained so as not to change the essential character of such area.

The Planning Commission may require the applicant to post a compliance bond as provided in Section 24.12 of this Ordinance.

SECTION 8.02 APPLICATION OF SIGN REGULATIONS

Except as herein provided, no sign shall be erected, moved, or altered unless in conformity with the regulations specified for the district in which it is located.

SECTION 8.03 PERMITTED SIGNS IN “AG” AND “OC” DISTRICTS

In the “AG” Agricultural and in “OC” Open Space and Waterbody Conservation District, only one (1) sign each of the following types shall be permitted on each lot or parcel unless otherwise specified herein.

- A. Non-illuminated sign advertising the sale or rental of the building or premises not exceeding six (6) square feet in area and placed outside the road right of way and more than 15 feet from any other property line.
- B. Non-illuminated trespassing, or announcement sign each not exceeding two (2) square feet in area; more than one sign may be permitted in these districts.
- C. A non-illuminated sign announcing a home occupation, service, or produce offered on the premises, provided that such sign shall not exceed twelve (12) square feet in area; and shall be placed outside the road right of way and more than 15 feet from any other property line.

- D. A sign or bulletin board identifying a church, school, park, or other such authorized uses not to exceed twelve (12) square feet in area and placed outside the road right of way and more than 15 feet from any other property line. A non-flashing reflective light may illuminate such sign and the source of the illumination shall not be visible.
- E. An off premises sign permit may be issued to an applicant by the Zoning Administrator / Code Enforcement Officer upon receipt of an affidavit from the owner of the property upon which the sign will be located giving approval for the sign to be located there. Such sign shall not exceed twelve (12) square feet in area and six (6) feet in height; and shall be located outside the road right of way and more than 15 feet from any other property line.

SECTION 8.04 SIGNS PERMITTED IN A RESIDENTIAL, “R-1” AND “R-2” DISTRICT

In any residential district only one (1) sign of each of the following types shall be permitted on each lot or parcel unless otherwise specified.

- A. A non-illuminated sign advertising the sale or rental of the building or property, not exceeding six (6) square feet in area, and placed outside the road right of way and more than 15 feet from any other property line, and shall not exceed six (6) feet in height from the grade level.
- B. A non-illuminated sign announcing a home occupation or service that is offered on the premises, provided that such sign does not exceed six (6) square feet in area and placed outside the road right of way and more than 15 feet from any other property line, and shall not exceed six (6) feet in height from the grade level.
- C. One sign advertising lots for sale in a recorded subdivision or development which shall not exceed eighteen (18) square feet in area and which shall be placed no nearer to any road right-of-way line than one half (1/2) of the required front yard depth, and shall not exceed six (6) feet in height from grade level. Such sign shall be removed within one (1) year after there is no one titleholder who owns more than twenty (20) percent of the lots or units in the subdivision or development.
- D. A sign or bulletin board identifying a church, school, or other such authorized use, not to exceed twelve (12) square feet in area and placed outside the road right of way and more than 15 feet from any other property line, and shall not exceed ten (10) feet in height from the grade level. A non-flashing reflected light shall illuminate the sign, and the source of illumination shall not be visible.

SECTION 8.05 SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS

A zoning permit shall be required for all signs in a Commercial or Industrial District except when a sign is erected at the time of construction of a building or structure.

Any sign in a Commercial or Industrial district is permitted only when such sign occupies the same lot on which the building or structure is located and shall conform to the building setback and height requirements applicable to the district in which it is located except as modified by the following requirements.

- A. In any Commercial or Industrial district, a sign may be affixed flat against the wall of the building, or may project therefrom not more than forty eight (48) inches, providing that such signs do not project over a sidewalk or public right-of-way. Projecting signs shall be at least twelve (12) feet above finished grade level. The total sign area shall not exceed one (1) square foot for each foot in height or length of the wall, to which it is affixed. No such sign shall extend more than four (4) feet in height above the building to which it is affixed or a total height of thirty five (35) feet in height from the finished grade level.
- B. One free standing identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area for said sign shall be based on one (1) square foot for each foot of building frontage, however it shall not exceed two hundred (200) square feet in total area, nor be closer to the front, rear, or side property line than one third (1/3) the distance of the required building setback and shall not exceed thirty five (35) feet in height from the grade level.
- C. One free standing sign may be erected for each separate enterprise situated on an individual lot not located in a shopping center. Such sign shall not exceed thirty five (35) square feet in area, nor shall be closer to the front, rear, or side property line than one third (1/3) of the distance of the required building setback, and shall not exceed thirty five (35) feet in height from the grade level.
- D. All signs may be illuminated internally or by reflected light, provided the source of the light is not directly visible and is so arranged to reflect away from the adjoining premises, and that such light shall not be placed as to cause confusion or hazard to traffic or cause conflict with traffic control signs or lights. No illumination involving moving or flashing lights will be permitted.

SECTION 8.06 BILLBOARDS

Billboards located so as to be visible to persons traveling on an Interstate or State Primary Highways shall conform to the regulations and provisions under Act 106 of the Public Acts of the State of Michigan of 1972, as amended. Billboards are prohibited in all districts except AG-

Agricultural, Commercial, and Industrial. All Billboards located in these districts shall conform to the following requirements:

- A. A Zoning Permit shall be required for all Billboards erected in the Township of Girard.
- B. Billboards are required to have the same setback as other principal structures or buildings in the zoned district in which they are located.
- C. Where two or more billboards are along the frontage of a single street or highway, they shall not be less than one thousand (1,000) feet apart, except in the Agricultural District where they shall not be less than two thousand (2,000) feet apart. A double faced (back to back) or V -Shaped billboard shall be considered as one sign.
- D. The total surface area, facing the same direction of any billboard shall not exceed two hundred (200) square feet.
- E. No billboard shall be erected on the roof of a building nor have one sign above another sign.
- F. Reflecting light only may illuminate billboards, provided that the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and providing that such illumination shall not be placed as to cause confusion or hazard to traffic or conflict with traffic control signs or lights. No illumination involving moving or flashing lights will be permitted.
- G. Billboards shall be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and so that their use will not change the character of the same area.
- H. Billboards shall comply with restrictions on movement and electronic messages provided in this Article.

SECTION 8.07 RESTRICTIONS ON MOVEMENT

It is unlawful to erect or maintain any sign, except a cloth flag moved only by natural wind, which moves or has any visible moving or animated parts or image, whether movement is caused by machinery, electronics, or otherwise, including swinging signs. Signs incorporating flashing or intermittent lighting, noise or pyrotechnics, and/or electrical noise or interference are also prohibited. Signs meeting the requirements of Section 8.08 below shall be excluded from these restrictions.

SECTION 8.08 SIGNS WITH MOVING MESSAGES

Signs or sign structures that revolve, are animated, or utilize movement to attract attention to the message on the sign are prohibited. No sign shall have blinking, flashing or fluttering lights, or other illuminated devices such as changing light intensity, brightness, or color. No sign shall utilize moving patterns of light to convey an illusion of motion or animation. However, in addition to time and temperature signs, electronic message boards, tri-vision signs, or changeable copy signs on which the copy consists of an array of light or are displayed on an interior non-illuminated but moveable surface shall be permitted, provided that the following conditions are satisfied:

- A. The frequency of the copy on the message board is not less than 10 seconds in duration.
- B. All interior lights in the sign shall activate simultaneously, remain activated for a period of not less than 10 seconds, and deactivate simultaneously.
- C. The maximum transition time period between messages on a tri-vision sign shall be two (2) seconds. The sign shall then remain displayed for a minimum of 10 seconds before changing again.
- D. The maximum brightness level for electronic signs and electronic message boards shall not exceed 5,000 nits (candela / square meter) when measured from the sign's face at its maximum brightness during daylight hours, and 500 nits when measured from the sign's face at its maximum brightness after sunset and before sunrise.
- E. Signs with moving messages shall be permitted in commercial and industrial districts only. In all other zoning districts, they may be permitted by special exception use permit only.

SECTION 8.09 TEMPORARY SIGNS

Temporary signs, other than political signs, may be authorized by the Zoning Administrator / Code Enforcement Officer by written permit upon demonstration of compliance with the following:

- A. Temporary signs shall be located at a site for no more than 15 days, unless otherwise indicated herein. Upon the expiration of the 15-day period, the temporary sign shall be removed or an additional permit shall be sought.
- B. Each use or applicant shall be granted a maximum of three permits for temporary signs per year. Each permit may be granted to allow for a temporary sign to be posted for up to 15 days.

- C. Temporary sign permits shall be granted by the Zoning Administrator upon finding that the proposed sign complies with all of the requirements herein and that the use or applicant has not exceeded the maximum number of temporary sign permits for the year.
- D. The applicant shall submit the following for the purposes of obtaining the permit:
 - 1. Plan demonstrating size, shape, height, content, and location of the proposed sign.
 - 2. Description of the proposed construction of sign, duration it will be posted, and purpose for the sign.
 - 3. Fee as set by the Township Board.
- E. In addition to those described in Article 2-Rules, Terms, and Definitions, the following shall also be considered temporary signs: garage or yard sale signs, signs affixed to vehicles or property for sale when not located at an authorized commercial facility, small signs made of non-durable materials mounted on posts, poles, or sticks.

SECTION 8.10 NON-CONFORMING SIGN ELIMINATION

Any existing sign or billboard not conforming to this Article or any other provisions of this Ordinance shall be deemed to be a non-conforming sign or billboard and may be continued, subject to the following conditions.

Such Sign or Billboard may be maintained or repaired however, such sign or billboard shall not be structurally changed, altered, enlarged, or decreased in whole or in part.

Should such sign or billboard become abandoned for a period of one (1) year or become damaged beyond repair, such sign or billboard, including supports, shall be removed by the owner.

SECTION 8.11 EXEMPTIONS

The following signs are exempt from the provisions of this Ordinance with respect to permits, heights, area, and location, unless otherwise specified herein.

- A. Highway signs erected by the State of Michigan, County of Branch, or the Township of Girard.

- B. Governmental use signs erected by a Governmental agency to designate a house of activity, conditions of use for parks, parking lots, recreational area, other public spaces, or for governmental buildings.
- C. Historic signs designating sites recognized by the State Historical Commission as Centennial Farms and Historic Landmarks.
- D. Essential service signs denoting utility lines, railroad lines, hazards, and precaution signs.
- E. Signs in an Agricultural District that serves only to identify the name of a farm, farm owner, crops, or livestock produced thereon.

**ARTICLE 9
PARKING AND LOADING REQUIREMENTS**

SECTION 9.01 GENERAL PARKING REQUIREMENTS

- A. No building or structure shall be erected, enlarged, altered, or moved nor any use of any building, structure, or land be established, enlarged, altered, or increased in any manner unless compliance is made with the requirements for off-street parking, loading, or unloading as specified in this Article.

- B. No parking 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 additional parking area or space is provided sufficient for the purpose of complying with the provisions of this Ordinance and the distance requirements as specified in Section 9.01.D.

- C. Plans and specifications showing required off-street parking spaces including the means of access, shall be submitted to the Zoning Administrator / Code Enforcement Officer for review at the time of application for a Zoning Permit.

- D. Except as herein provided, all off-street parking facilities shall be located on the same lot as the principal building to be served by such parking facilities.
 - 1. Off-street parking facilities for single family and two family dwellings may be provided on a separate lot so long as the distance from the parking facilities to the dwelling shall not exceed one hundred fifty (150) feet.

 - 2. In all other cases in which off-street parking facilities are required by this Ordinance, such facilities may be provided on a separate lot so long as the distance from such parking facilities does not exceed three hundred (300) feet.

 - 3. Outdoor storage or overnight parking of a Commercial vehicle over one (1) ton capacity shall be permitted if such vehicle is necessary to the function of the premises or for the lively-hood of the occupant, and provided that such vehicle(s) be parked off street, within a side yard, rear yard, a private drive, or within an enclosed structure.

SECTION 9.02 OFF STREET PARKING REQUIREMENTS IN THE “AG” DISTRICT

In “AG” districts the use or occupancy of buildings, structures, or land is prohibited unless the following requirements are met and maintained.

- A. Off-street parking areas shall be drained so as to prevent drainage to abutting properties.
- B. Off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence, or compact planting strip exist as a parking barrier along the property line.
- C. Parking spaces for all types of vehicles and equipment may be provided either in garages, parking areas, driveways.
- D. Overnight parking in the Agricultural district, shall be limited to passenger cars, and not more than one (1) commercial vehicle of the light duty type, not to exceed one (1) ton. The parking of any other type of commercial vehicle, or bus, except those vehicles listed in Section 9.01.D.3, or vehicles parked on a school or church property is prohibited.

SECTION 9.03 OFF STREET PARKING REQUIREMENTS IN R-1 AND R-2 DISTRICTS.

- A. Off street parking areas shall be drained, so as to prevent drainage to abutting property.
- B. Off street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence, or compact planting strip exist as a parking barrier along the property line.
- C. Parking spaces for all types of vehicles may be provided either in a garage, parking areas or private driveways.
- D. Overnight parking in a residential district shall be limited to passenger cars, and not more than one (1) commercial type vehicle of the light duty type, not to exceed one (1) ton. The parking of any other type of commercial vehicle or bus, except those vehicles listed in Section 9.0 I.D.3, or vehicles parked on a school or church property is prohibited.

**SECTION 9.04 PARKING REQUIREMENTS IN A “MF” MULTIFAMILY RESIDENTIAL DISTRICT,
(MF, CONDOS, APARTMENT BUILDINGS, AND MULTIPLE DWELLINGS)**

The use and occupancy of buildings, structures, and land in a MF district is prohibited unless the following requirements are met and maintained.

- A. All parking areas shall be drained so as to prevent drainage to abutting property.
- B. All private drives and parking areas shall be paved.
- C. All private drives shall have a minimum width of twenty two (22) feet and each parking space shall not be less than ten (10) feet in width or less than twenty (20) feet in length.
- D. At least two parking spaces shall be provided for each dwelling unit.
- E. No private drive shall be more than three hundred (300) feet in length nor shall have a turning diameter of less than seventy five (75) feet at the terminus thereof.
- F. The parking spaces provided for each dwelling unit shall be located no further than one hundred twenty five (125) feet therefrom.

SECTION 9.05 OFF STREET PARKING REQUIREMENTS IN A COMMERCIAL AND INDUSTRIAL DISTRICT

In all Commercial and Industrial Districts the use and occupancy of buildings, structures, and land is prohibited unless the following requirements are met and maintained.

- A. Each off-street parking space for automobiles shall not be less than two hundred (200) square feet in area, exclusive of access or aisles and shall be of usable shape and condition. There shall be a minimum access drive of not less than ten (10) feet in width for one-way traffic or 22 feet in width for two-way traffic. Where a turning radius is necessary, it will be of such an arc to reasonably allow an unobstructed flow of vehicles.
- B. Parking aisles shall be of sufficient width to allow a minimum turning movement in and out of a parking space, the minimum width of such aisle shall be:
 - 1. For ninety (90) degree parking, the aisle shall not be less than twenty two (22) feet in width.
 - 2. For sixty (60) degree parking, the aisles shall be not less than eighteen (18) feet in width.

3. For forty five (45) degree parking, the aisle shall be not less than thirteen (13) feet in width.
 4. For parallel parking, the aisles shall not be less than ten (10) feet in width.
 5. Parking spaces for trucks shall not be less than ten (10) feet in width and not less than seventy five (75) feet in length.
- C. Parking lots and driveways located in C-1 (Neighborhood Business District), C-2 (General Business District), I (Industrial District), and parking lots and driveways located in other districts which are approved by the Planning Commission as a Special Use shall be designed to provide adequate drainage and must be surfaced with concrete or asphalt pavement within one (1) year from the date the construction permit was issued, and must be maintained in good condition free of dust, trash, and debris.

SECTION 9.06 OFF STREET PARKING SPACE REQUIREMENTS

For the purpose of determining off street parking requirements in accordance with the provisions of this section, in applicable districts, unless otherwise specifically provided, no building, structure, or land shall be occupied unless the following minimum off street parking requirements are met and maintained.

USE	PARKING REQUIREMENTS
Automobile or Machinery sales and service.	One space for each two hundred square feet of showroom floor. Two spaces for each service bay. One space for each employee.
Banks, Business and Single Professional Offices.	One space for each two hundred square feet of floor area. One space for each employee.
Barber Shops and Beauty Parlors.	Three spaces for each chair. One space for each employee.
Churches, Auditoriums, Stadiums, Theaters, Dance Halls, Assembly Halls, other than schools.	One space for each four seats, or for each four persons permitted in such edifice as stated by the Fire Marshall.
Clinics.	Four spaces for each doctor on staff. One space for each employee.
Convalescent Homes, Orphanage or similar use.	One space for each four beds. One space for each employee. One space for each Doctor on Staff.

USE	PARKING REQUIREMENTS
Drive in Banks, Cleaners, and similar business.	Storage for five cars between the sidewalk and the service window. One space for each employee.
Drive in Eating Establishments.	Ten spaces plus one space for each employee.
Dwellings (Single and Two family units).	Two spaces for each dwelling unit.
Funeral Homes.	One space for each fifty (50) square feet of floor area, plus one space for each fleet vehicle.
Furniture, Appliance, Household Equipment, and Repair Shops.	One space for each four hundred (400) square feet of floor area, plus one space for each employee.
Gasoline Service Stations.	Three spaces for each service stall. One space for each employee.
General Office Buildings.	One space for each four hundred (400) square feet of floor area.
Hospitals.	One space for each bed. One space for each employee. One space for each Doctor on staff.
Hotels, Motels, Tourist Homes, and Bed and Breakfast.	One space for each living unit. One space for each employee.
Libraries, Museums, Post Office.	One space for each eight hundred (800) square feet of floor area. One space for each employee.
Auction Establishments	Two square feet of parking for each one square feet of building.
Manufacturing Establishments.	One space for each employee and five visitor’s spaces.
Restaurants, Taverns and Clubs.	One space for each four patrons permitted. One space for each employee.
Retail Stores, except as specified herein.	One space for each one hundred fifty (150) square feet of floor area.
Schools	One space for each employee. One space for each twenty (20) students, plus additional requirements for the auditorium.

Where a use is not specifically mentioned in Section 9.06 the requirements of a similar or related use shall apply, as determined by the Zoning Administrator / Code Enforcement Officer or by the Planning Commission when a Special Use permit has been approved, per Article 11 of this Ordinance.

SECTION 9.07 OFF-STREET LOADING AND UNLOADING REQUIREMENTS

In all districts, except in the case of single, and, two family unit structures, no building, structure, or land shall be occupied unless the off-street loading and unloading requirements set forth below are met and maintained.

- A. Plans and specifications showing required loading and unloading spaces including the means of ingress and egress shall be submitted to the Zoning Administrator / Code Enforcement Officer at the time of application for a Zoning Permit.
- B. Each off-street loading or unloading space shall not be less than the following;
 - 1. In a residential district, a loading or unloading space shall not be less than ten (10) feet wide and twenty five (25) feet in length.
 - 2. In a Commercial or Industrial district, a loading or unloading space shall not be less than ten (10) feet in width and not less than seventy five (75) feet in length, and if a roofed space, not less than fifteen (15) feet in height.
 - 3. All off-street loading or unloading spaces that make it necessary to back out into a public road is prohibited.
 - 4. Off-street loading or unloading spaces and access drives shall be paved and drained in accordance with the County Drain Commission standards.
 - 5. Where a use is not specifically mentioned, the requirements of a similar or related use shall apply, as determined by the Zoning Administrator / Code Enforcement Officer or the Planning Commission.
 - 6. All loading and unloading facilities shall be constructed to prevent any vehicle from blocking any part of a public road, any pedestrian walk way, obstructing the vision of traffic, or backing out onto a public road way.

ARTICLE 10
SITE PLAN REVIEW AND PROCEDURE

SECTION 10.01 PURPOSE

The site plan review procedures and standards in this section are intended to provide a consistent and uniform method of review for proposed development plans. Through the application of the following provisions, the attainment of the Girard Township Master Plan will be assured, and the Township will develop in an orderly fashion.

SECTION 10.02 DETERMINATION OF WHETHER SITE PLAN REVIEW IS REQUIRED

- A. Submission of a site plan shall be required for any of the following:
1. Any development or use for which submission of a site plan or approval of a special use is required by provisions of this Ordinance.
 2. Any proposal to construct, move, relocate, convert or structurally alter a building, including accessory buildings, except as noted below. A structural alteration shall be defined as one that changes the location of the exterior walls and/or the area or height of the building.
 3. All condominium developments (including "site condominium" developments).
- B. **Exempt Development.** Unless specifically required by the provisions of this Ordinance the following developments are exempt from the provisions of this Article, however a plot plan shall be submitted and a zoning permit shall be received from the Zoning Administrator / Code Enforcement Officer:
1. Single and two-family dwelling units on individual lots.
 2. Residential accessory buildings (for personal use) less than 120 sq. ft. in area in residential or agricultural zoning districts.
 3. Agricultural accessory buildings located in agricultural zoning districts and agricultural accessory buildings in an otherwise legal and lawful nonconforming use.
- C. **Site Plan Review Not Required by the Planning Commission.** Uses with approved site plans, which propose a one-time change constituting ten percent (10%) or less of the building floor area or ten percent (10%) or less of the required parking spaces, may be

reviewed, approved and administered by the Zoning Administrator / Code Enforcement Officer. Such review and approval by the Zoning Administrator / Code Enforcement Officer shall be reported to the Planning Commission at the next regularly scheduled meeting. However a plot plan shall be submitted and a zoning permit is required.

- D. Uses or activities not requiring site plan review before the Planning Commission shall submit to the Zoning Administrator / Code Enforcement Officer a plot plan with adequate dimensions and such information deemed necessary by the Zoning Administrator / Code Enforcement Officer to assure that the proposed development complies fully with the requirements of this Ordinance.

SECTION 10.03 REQUIRED INFORMATION FOR SITE PLANS

- A. **Site Plan Information.** Each request for site plan review shall be accompanied by a detailed site plan, which shall consist of an accurate drawing, showing the entire site, and all land within 150 feet of the site. The scale of the site plan shall be not less than one (1) inch equals 50 feet if the subject property is less than three (3) acres, and one (1) inch equals 100 feet if three (3) acres or more. If multiple sheets are used, each shall be labeled and identify the professional who prepared the sheet. The following information shall be included. However, the Chairperson of the Planning Commission may, upon written request, determine that some of the required information is not necessary due to the scope and nature of the proposed project:
 - 1. Name of development and general location sketch.
 - 2. Name, address and phone number of owner(s), developer, engineer, architect and/or designer.
 - 3. North arrow, scale, and date of original drawing and revisions.
 - 4. Stamped survey of the property showing building location, drawn to scale, and indicating dimensions of the property. The Township may waive the requirement for a survey at any time.
 - 5. A legal description (or parcel identification number) and address of the property in question.
 - 6. The area of the site in square feet and acres excluding all existing and proposed public rights-of-way.
 - 7. The dimensions of all lots and subject properties, showing the relationship of the subject property to abutting properties, including lots across rights-of-way and

easements. The boundaries of the subject property shall be clearly indicated on the site plan, differentiated from other contiguous property. If the parcel is a part of a larger parcel, boundaries of total land holding shall be indicated.

8. Existing topographic elevations at two (2) foot intervals, including ground elevations of all existing buildings, drives and/or parking lots, and any adjacent unusual surface conditions.
9. The location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, floodplains, and wetlands, and proposed drainage ways.
10. Location and type of existing vegetation, including location of all existing trees over five (5) inches in diameter. Where strands of trees to be preserved, the general location may be indicated.
11. Any significant site amenities and unique features.
12. Existing land uses and zoning classification of the subject parcels and adjacent parcels.
13. All minimum setback requirements and resulting building envelope.
14. The location and dimensions (length, width, height) of all existing and proposed structures and accessory structures on the subject property and all existing structures and/or accessory structures within 100 feet of the subject property.
15. The location and width of all existing public roads, rights-of-way or private easements of record, abutting streets, alleys, and driveway locations to abutting streets.
16. With residential proposals, a site summary indicating the number and location of one bedroom units, two bedroom units, etc., typical floor plans with the square feet on floor areas; density computation, recreation facilities, open spaces, street names, and lot coverage.
17. With non-residential proposals, the number of offices, number of employees, the number of floors, and typical floor plans and cross sections.
18. Proposed parking lots including layout and typical dimensions of parking spaces, number of spaces provided (including how computed per ordinance requirements) and type of surfacing.

19. Location of and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development.
20. Proposed traffic and pedestrian circulation patterns, both within the site and on the public streets adjacent to the site and the proposed location and dimensions of any required pedestrian sidewalks. Designate loading and unloading areas, barrier free access, any fire lanes, and carports.
21. Proposed finish grade of buildings, driveways, walkways, and parking lots.
22. Proposed type of building materials, roof design, projections, canopies and overhangs, roof-located mechanical equipment, such as: air conditioning, heating units and transformers that will be visible from the exterior.
23. Proposed water service including any proposed tap-ins, main extensions or extensions for adequate fire hydrant spacing, and/or considerations for extensions to loop other public water mains.
24. Proposed sanitary sewer facilities and the location of all existing utilities, easements and the general placement of lines, manholes, tap-ins, pump stations, and lift stations.
25. Proposed storm water management plan including design of sewers, outlets (enclosed or open ditches), and retention or detention ponds. Sufficient data regarding site run-off estimates and off-site drainage patterns shall be provided to permit review of feasibility and permanency of drainage detention and/or retention as well as the impact on local surface and groundwater. The plan shall indicate location and status of any floor drains in structures on the site. The point of discharge for all drains and pipes should be specified on the site plan.
26. Locations of existing and proposed fire hydrants with reasonable access thereto for fire fighting, police and other emergency equipment.
27. Location of all other utilities on the site including but not limited to natural gas, electric, cable TV, telephone and steam.
28. Soil erosion and sedimentation control measures.
29. Detailed landscaping plan indicating location, types and sizes of material.
30. All proposed screening and free standing architectural walls, including typical cross-sections and the height above ground on both sides.

31. The dimensions and location of all signs, both wall signs and free-standing signs, and the associated lighting structures and shielding.
32. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
33. Location and specifications for any existing or proposed outdoor or below ground storage facilities as well as any screening or containment structures or clear zones required by government authorities.
34. Easements for proposed public rights-of-way, utilities, access, shared access, and drainage.
35. Notation of any variances that have been or must be secured.
36. Notation of performance guarantees to be provided including amounts, types, and terms.
37. Statement that applicant will comply with state, local and federal laws, as applicable to the site or intended use.
38. Information and special data that may be critical to the adequate review of the proposed use and its impacts on the site or Township. Such data requirements may include traffic studies, market analysis, environmental assessments (including inventory and impact data on flora, fauna, natural resources, hazardous materials, erosion control and pollution), demands on public facilities and services, impact on historical or cultural resources, displacement of people or other uses as a result of the proposed development, alterations of the character of the surrounding area, effect on the Township's tax base and adjacent property values, or other data which the Township may reasonably deem necessary for adequate review.
39. The size, location and description of any proposed interior or exterior areas or structures for storing, using, loading or unloading of hazardous substances. A listing of types and quantities of hazardous substances which will be used or stored on-site in quantities greater than 100 kilograms or 25 gallons per month.
40. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of the cleanup.
41. Plans depicting existing and proposed building elevations.

42. For developments that are of a scale to warrant phased development, the phasing of construction shall be indicated. A detailed site plan needs to be submitted only for that portion of the property for which a building permit will be applied for; a general site plan which clearly indicates the overall project intent may be submitted for the remainder of the site.
43. Building elevations of the proposed structure(s) and/or accessory structures from each direction shall be shown.
44. Any additional information required by the Planning Commission or Zoning Administrator in order to complete their review.

SECTION 10.04 PRELIMINARY SITE PLAN CONSIDERATION / PRE-APPLICATION MEETING

Applicants are encouraged to meet with the Planning Commission for informal review of conceptual site plans. The purpose of this informal review is to discuss applicable standards and technical issues, comment on the project’s compliance with the standards of this Ordinance, and determine the appropriate type of review process. The applicant or Planning Commission may also request input from the County Building Inspector and other Township officials or consultants. Conceptual plans should include, at minimum, the proposed use, building footprint, existing conditions, general site layout and conceptual grading. Conceptual plan review comments are non-binding, and should be considered by the applicant to be suggestions and recommendations only. A review fee may be required for conceptual plan review, as determined by Township Board resolution.

SECTION 10.05 APPLICATION PROCESS

- A. **Application.** The owner of an interest in land for which site plan approval is sought, or the owner’s designated agent, shall submit a completed application form and sufficient copies of a site plan to the Township. Such application shall be submitted at least 30 days prior to the Planning Commission meeting at which review is sought. The site plan shall be prepared in accordance with the provisions of this Article, including all appropriate information required by Section 10.03. A site plan that does not meet the stipulated requirements shall be considered incomplete and shall not be eligible for consideration by the Planning Commission.
- B. **Application Form.** Each request for site plan review shall be accompanied by a completed application form furnished by the Township and shall include the following information:
 1. The applicant's name, address, and phone number.

2. The address and parcel number of the property.
 3. The application shall be executed by the owner(s) of the property. The application may be represented by a party who has a legal financial interest in the property (such as a purchase agreement) provided that the application contains an affidavit signed by the property owner(s) indicating the party and the nature of the legal interest.
 4. The address of the applicant to whom all correspondence regarding the application and site plan review the process should be sent.
 5. Project description, including the total project title, number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, and other pertinent information.
 6. The gross and net acreage of all lots or parcels in the project.
 7. Existing zoning classification, land uses, and structures on the subject parcel.
 8. Name and address of developer (if different from the applicant), engineer, architect and/or land surveyor.
 9. Project completion schedule/development phases.
 10. Written statements relative to project impacts on existing infrastructure (including traffic capacity of streets, schools, and existing utilities) and on the natural environment of the site and adjoining lands.
- C. **Number of Copies.** Every site plan submitted to the Planning Commission shall be in accordance with the requirements of this Ordinance. Ten (10) complete copies of all site plans shall be filed with the Zoning Administrator / Code Enforcement Officer who shall place the request on the next Planning Commission agenda.
- D. **Technical Review.** Prior to Planning Commission consideration, the site plan and application shall be distributed to the County Building Inspector, the Road Commission, the Sheriff’s Department, the Fire Department, and/or additional Township officials and staff for review and comment. If deemed necessary by the Planning Commission, the plans shall also be submitted to applicable outside agencies and designated Township consultants for review and comment.

- E. **Planning Commission Consideration.** The Planning Commission shall review the site plan or sketch plan, together with any reports and recommendations from staff, consultants and other reviewing agencies and any public comments. The Planning Commission shall then take action based on the requirements of this Ordinance and the criteria for approval (Section 10.06). The Planning Commission is authorized to postpone, approve, approve subject to conditions or deny the site plan as follows:
1. **Postponement.** Upon determination by the Planning Commission that a site plan is not sufficiently complete for approval or denial, or upon a request by the applicant, the Planning Commission may postpone consideration until a later meeting.
 2. **Denial.** Upon determination that a site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site shall be denied. If a plan is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant, or the applicant’s designated representative, to attend two or more meetings shall be grounds for the Planning Commission to deny approval of the site plan.
 3. **Approval.** Upon determination that a site plan is in compliance with the requirements of this Ordinance and other applicable ordinances and laws, the site plan shall be approved.
 4. **Approval subject to conditions.** The Planning Commission may approve a site plan, subject to one or more conditions necessary to address minor modifications to the plan, ensure that public services and facilities can accommodate the proposed use, protect significant natural features, ensure compatibility with adjacent land uses, or otherwise meet the intent and purpose of this Ordinance. Such conditions may include the need to obtain variances or approvals from other agencies.
- F. **Recording Action.** Planning Commission action on the site plan shall be recorded in the Commission meeting minutes, stating the name and location of the project, the proposed use, the most recent plan revision date, and the conditions or grounds for the Commission’s action. The Secretary shall mark and sign two (2) copies of the site plan “APPROVED” or “DENIED” as appropriate, with the date that action was taken and any conditions of approval. One (1) copy shall be kept on file in the Township, and one (1) shall be returned to the applicant.

SECTION 10.06 CRITERIA FOR GRANTING SITE PLAN APPROVAL

In the review of all site plans, the Zoning Administrator and the Planning Commission shall endeavor to assure the following:

- A. The proposed development conforms to all provisions of the Zoning Ordinances.
- B. All required information has been provided.
- C. The movement of vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient.
- D. The proposed development will be harmonious with existing and future uses in the immediate area and the community.
- E. The proposed development provides the necessary infrastructure improvements, such as roads, drainage, pedestrian facilities and utilities, and parking and loading spaces, to serve the site, and be adequately coordinated with the current and future use of adjacent properties.
- F. The applicable requirements of Township, County and State agencies are met regarding grading and surface drainage and for the design and construction of storm sewers, storm water holding facilities, water mains, and sanitary sewers.
- G. Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner that will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, and woodlands.
- H. The proposed development shall respect the natural topography to the maximum extent possible by minimizing the amount of cutting, filling, and grading required.
- I. The proposed development will not cause soil erosion or sedimentation.
- J. Landscaping, including trees, shrubs and other vegetative material, is provided to maintain, improve, and/or restore the aesthetic quality of the site.
- K. Building design and architecture relate to and are harmonious with the surrounding neighborhood with regard to texture, scale, mass, proportion, materials, and color.
- L. All elements of the site design are harmoniously and efficiently organized in relation to topography, parcel configuration, adjacent properties, traffic operations, adjacent streets and driveways, pedestrian access, and the type and size of buildings.

SECTION 10.07 PERFORMANCE GUARANTEE

The ensure compliance with the Zoning Ordinance and any condition imposed within, the Planning Commission may require that a cash certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with a project for which site plan approval is sought, be deposited with the Township to ensure faithful completion of the improvements and also be subject to the following:

- A. The performance guarantee shall be deposited prior to the issuance of a temporary certificate of occupancy. The Township shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses. Any partial release of funds shall be less than 10%, which shall be retained by the Municipality until all work has been completed and subsequently inspected and approved by the Zoning Administrator / Code Enforcement Officer or County Building Inspector. This does not relieve the applicant from satisfying all applicable maintenance warranties and/or guarantees necessary to ensure the proper function of said public improvements.
- B. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Act 288 of the Public Acts of 1967, as amended (the state Subdivision Control Act).
- C. As used in this section, "improvements" mean those features and actions associated with projects which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screen, landscaping, and surface drainage. Improvements do not include the entire project that is the subject of zoning approval.

SECTION 10.08 ISSUANCE OF BUILDING PERMIT AFTER SITE PLAN APPROVAL

Construction plans shall be submitted for review by the Branch County Building Inspector and, as applicable, any other professional consultants engaged by the Township to review the plans. Upon review and finding that the construction plans meet with the requirements of site plan approval and other applicable ordinances of the Township, the Branch County Building Inspector shall issue a building permit for construction.

SECTION 10.09 SITE PLAN RESUBMISSION, APPEALS, EXPIRATION, OR REVISIONS

- A. **Resubmission.** A plan that has been denied may be revised by the applicant to address the reasons for the denial and then resubmitted for further consideration. The resubmitted plan shall be subject to the same requirements and review procedures as a new site plan submitted in accordance with this Article.
- B. **Appeals.** The Zoning Board of Appeals shall not have the authority to consider appeals of plan determinations. However, when the Planning Commission approves a plan contingent upon approval of one or more variances from specific requirements of this Ordinance, the applicant shall initiate such a request to the Zoning Board of Appeals. The Zoning Administrator / Code Enforcement Officer shall provide copies of the site plan, application materials, and Planning Commission meeting minutes to the Zoning Board of Appeals. Zoning Board of Appeals consideration shall be limited to the specific variances identified as conditions of site plan approval by the Planning Commission.
- C. **Expiration of site plans.**
1. **Plan approval.** Site plans shall expire 365 days after the date of approval.
 2. **Extension of approval.** Upon written request received by the Township prior to the expiration date, the Planning Commission may grant one (1) extension of up to 180 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved site plan or sketch plan remains in conformance with all applicable provisions of this Ordinance.

SECTION 10.10 CONFORMITY TO APPROVED SITE PLAN REQUIRED

Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved plan. Failure to do so is a violation of this Ordinance, subject to the sanctions of Section 24.11.

Upon completion of the installation of required improvements as shown on the approved site plan, the property owner/applicant shall submit to the Township Zoning Administrator / Code Enforcement Officer two (2) copies of an "as built" site plan, certified by an engineer or architect, at least one (1) week prior to the anticipated occupancy of any building. The County Building Official shall withhold the Certificate of Occupancy in any case where the site plan and major conditions as approved by the Planning Commission have not been complied with. Any minor variations may be approved by the Zoning Administrator / Code Enforcement Officer, and shall be reported to the Planning Commission within 30 days after the issuance of Certificate of Occupancy.

**ARTICLE 11
SPECIAL USES**

SECTION 11.01 PURPOSE

The formulation and enactment of this Zoning Ordinance is based upon the division of the Township into districts, each of which are permitted specified uses which are mutually compatible.

In addition to such uses it is recognized that there are certain other uses, which may be necessary or desirable to allow in certain locations, but because of their impact on neighboring uses or public facilities, they need to be carefully regulated with respect to their location and use, for the protection of the Township.

SECTION 11.02 AUTHORITY TO GRANT PERMITS

The Township Planning Commission shall have the authority to grant Special Use Permits, subject to such conditions as may be required by the Planning Commission in accordance with the requirements and limitations applicable to such Special Use as are specified in this Ordinance.

SECTION 11.03 SPECIAL USE PERMIT PROCEDURES

The following steps shall be taken by the applicant, Zoning Administrator / Code Enforcement Official, and Planning Commission when considering a proposed special use permit:

- A. All applications for special use permits shall be filed with the Zoning Administrator / Code Enforcement Official and shall include the required site plan, fee and any other pertinent information upon which the applicant intends to rely for a permit.
- B. The Zoning Administrator / Code Enforcement Official, after preliminary review for completeness, shall forward the application to the Planning Commission for review. Where the Zoning Administrator / Code Enforcement Official finds the application or required site plan to be incomplete, the applicant shall provide any information required to complete the submittal prior to Planning Commission review.
- C. A special meeting of the Planning Commission may be requested by the applicant. An additional fee, as determined by the Township Board, will be required.

- D. The Planning Commission shall review the application for completeness at its next regular meeting, and if it is deemed complete, set a public hearing as provided in Section 11.04.
- E. The Planning Commission shall review the special use application and required site plan after the public hearing, in accordance with the requirements of the zoning district in which the proposed use is to be located, the standards set forth in this article and all other applicable requirements of this ordinance.

SECTION 11.04 PUBLIC HEARING AND NOTICE REQUIREMENTS

- A. After review of the special land use permit application and site plan for completeness, the Zoning Administrator / Code Enforcement Officer shall schedule a public hearing on the request before the Planning Commission. If the application is complete, the Zoning Administrator / Code Enforcement Official shall send a notice of the public hearing not less than 15 days before the date that the application will be considered to the following persons:
 - 1. The applicant.
 - 2. The owner of the property, if different.
 - 3. The owners of all real property within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in Girard Township or not.
 - 4. The occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the property is located in Girard Township or not.
 - 5. The general public by publication in a newspaper, which circulates in Girard Township.
 - 6. The members of the Planning Commission.
- B. The notice shall include:
 - 1. The nature of the Special Land Use being requested.
 - 2. The property(ies) for which the request has been made.
 - 3. A listing of all existing street addresses within the property(ies) which is(are) subject of the Special Use. (Street addresses do not need to be created and listed if no such

addresses currently exist. If there are no street addresses, another means of identification may be used.)

4. The location where the application documents can be viewed and copied prior to the date the application will be considered.
5. The date, time and location of when the hearing on application will take place.
6. The address at which written comments should be directed prior to the consideration.
7. For members of the Commission only, a complete copy of the Special Use application and supporting documents in the record.

SECTION 11.05 GENERAL STANDARDS FOR SPECIAL USE PERMITS

All Uses identified in this Ordinance as a special land use must be reviewed in accordance with the procedures as specified herein as a Special Use by the Township Planning Commission. No Special Use Permit shall be issued unless the Township Planning Commission shall determine that:

- A. The parcel will, according to the plans and specifications, data, exhibits, and information supplied to the Township Planning Commission by the applicant, meet the specific requirements and regulations set forth in this Ordinance, or State and Federal Laws.
- B. The property will be served with essential public facilities and services, such as highways, streets, police, fire protection, drainage, refuse disposal, and other such services, or that the person who will operate the property will be able to adequately provide such services on a non-public basis in compliance with the County Health Department standards.
- C. The parcel will not be hazardous or disturbing to existing or future neighborhood uses.
- D. The property will not create excessive additional requirements at public cost for public facilities or services.
- E. The property will be harmonious with the general objectives of the district and the Township Master Plan.
- F. Parking requirements are met (see Article 9.).

SECTION 11.06 PERMIT REVOCATION.

In the event the owner or the occupant of the property for which a Special Use Permit has been issued, shall violate any provisions of this Ordinance or any terms, conditions, limitations, supply false information, or any safeguard contained in the Special Use Permit, the Special Use Permit shall be, and become null and void and the owner or occupant shall be deemed to be in violation of this Ordinance, and the Township may proceed to enforce the provisions of this Ordinance, or any other ordinance or statues and the compliance bond, if any is given by the owner under the provisions of this Ordinance, shall be forfeited.

**ARTICLE 12
PLANNED UNIT DEVELOPMENT**

SECTION 12.01 PURPOSE AND INTENT

To permit, through the special use procedure, planned unit developments designed to encourage creativity and flexibility in the use and design of structures and land in Girard Township.

The Planned Unit Development (PUD) is intended to accomplish the following:

- A. Result in a more efficient pattern of development, with shorter streets and utility networks.
- B. Preserve existing natural assets, such as stands of trees, flood plains, lake frontage, scenic vistas and other open spaces.
- C. Accomplish a more desirable residential environmental plan than would be possible through the strict application of the minimum requirements of the zoning ordinance.
- D. Encourage the utilization of open space and the development of recreational facilities generally located within a reasonable distance of all units.
- E. Provide for supportive mix of land uses and amenities such as day care, office, neighborhood retail, and similar uses, which in the opinion of the Planning Commission, are in conformance with the goals and objectives of the master plan and will enhance the residential stability and economic base of Girard Township through the application of a special use permit.

SECTION 12.02 GENERAL REQUIREMENTS:

- A. Minimum Project Area: 5 acres
- B. The development must have direct access to a publicly maintained road.
- C. The principal permitted use shall be residential development, consistent with the zoning district of the proposed “PUD”.
- D. Non-residential land uses may be integrated into the proposed “PUD” through approval of the special use permit. Commercial uses may be limited to the development of not more than ten percent (10%) of the total project area. Examples of commercial uses may include retail stores, personal service establishments, bed and breakfast

establishments, business or professional offices, golf courses with restaurants and retail components, and day care facilities. However, all proposed commercial uses must meet the intent of the “PUD” Article and be subject to reasonable terms established as part of the special use permit process.

- E. Each principal building in the proposed “PUD” must be connected to water and sewer facilities that are approved by the Branch County Health Department.
- F. Each site shall be provided with adequate storm drainage. Open drainage courses and storm retention ponds shall be reviewed and may be permitted by the County Drain Commissioner.
- G. All utilities including telephone, electric, and cable, within the “PUD”, shall be located underground.
- H. Common Open Space
 - 1. Common open space shall not include proposed street right-of-ways, open parking area or commercial areas. Common open space may contain accessory structures, paved bicycle and/or walking paths, agricultural uses, wetlands, and improvements necessary or desirable for religious, educational, non-commercial, recreational or cultural uses.
 - 2. The area of common open space within a “PUD” project shall not be less than twenty percent (20%) of the total land area of the project. However, when a water or wetland feature exists on the subject site, water and/or wetlands shall not account for more than fifty percent (50%) of the required open space.
 - 3. Open spaces shall be conveniently located in relation to dwelling units.
 - 4. Open spaces shall have reasonable, minimum dimensions which are usable for the functions intended and which will be maintainable. Open space designs which emphasize perimeter walking paths as the primary open space feature are not permitted.
 - 5. All public areas and facilities which are to be dedicated to a public agency shall be so dedicated prior to approval of a final development plan, unless a binding agreement is provided in lieu of that dedication.
 - 6. Legal instruments setting forth the manner of permanent maintenance of common open space and facilities shall be submitted to the township attorney for review before the township board approves the final development plan.

Such instruments may include dedication to permanent conservation easements or homeowner associations.

7. Where a homeowner association is to be used to maintain common open spaces and facilities, the developer shall file a declaration of covenants and restrictions that will govern the home-owners association. The provisions shall include, but shall not be limited to the following:
 - a. The home-owners association shall be established before any dwelling in the “PUD” is sold;
 - b. Membership in the home-owners association shall be mandatory for each dwelling unit buyer and for any successive buyer and shall be so specified in the covenants;
 - c. Restrictions shall be permanent;
 - d. The home-owners association shall be made responsible for liability; and dwelling owners shall pay their prorated share of the costs and this requirement shall be specified in the covenants.
 - e. The parking requirements set forth in Article 9 shall apply, except the Girard Township Board may reduce the number of spaces, upon recommendation of the Planning Commission, as part of the final development plan. Such reductions shall be based upon specific findings.

SECTION 12.03 INFORMAL PRELIMINARY CONFERENCES

A. Informal preliminary conferences:

Prior to a formal application, the applicant is required to have two (2) informal preliminary conferences; one with the Township Zoning Administrator and the Township Supervisor, the other with the Township Planning Commission. The purpose of the conferences is to discuss the proposed development, review procedures, requirements and standards of the Township. The applicant is encouraged to present concept plans, site data and other information that will explain the proposed developments. Statements made in these conferences shall not be legally binding.

B. Application:

Following the preliminary conferences, the applicant shall make an application for a “PUD” special use permit along with ten (10) sets of the preliminary development plans

and the application fee (as set by resolution of the Township Board of Trustees) to the Township Zoning Administrator / Code Enforcement Officer. The application shall, at a minimum, contain the following:

1. The applicant's name, address, and phone number.
2. Proof that the applicant is the owner of the property or has a legal or financial interest in the property (such as a sales agreement).
3. The name and address of all persons, firms or corporations having a legal or equitable interest in the property.
4. The address of the property.
5. The legal description and parcel identification number of the property.
6. Project descriptions.
7. Size of the property in acres.
8. The signature of the applicant and the property owner.

Upon receipt of the completed application, application fee and preliminary development plan, the Township Zoning Administrator / Code Enforcement Officer shall forward copies of the plan and the application form to professional consultants and any other persons or agencies deemed appropriate. The balance of the plans and the original application form shall be distributed to the Planning Commission to allow for their review of the proposed "PUD".

C. Preliminary Development Plan:

The preliminary development plan shall contain the following:

1. The date, north arrow, and scale, which shall not be smaller than 1 inch equals 50 feet.
2. The location sketch of the site in relation to the surrounding area. This sketch shall label the land uses on all adjacent property.
3. The legal description of the property.
4. The parcel size in acres or square feet.
5. All lot and property lines, with dimensions.
6. The location of all existing and proposed structures on the site.
7. The location of all existing and proposed streets, driveways, alleys, parking areas and easements, including the total number of parking spaces, parking calculations and typical dimensions.
8. The size, location and proposed use of all areas devoted to open space.
9. The general landscape concept, showing tree masses to be preserved, added buffer areas, screening, and similar features.
10. All wetland areas, flood plain boundaries and bodies of water.
11. Existing topographical contours at a minimum of two-foot intervals.

12. General layout of all proposed utilities including: water, sewer, telephone, gas and electrical services.

The applicant shall also provide a written statement describing each of the following:

1. The general character of the “PUD”.
2. The gross residential densities and percent of the proposed “PUD” area to be covered by buildings and parking areas.
3. The acres allocated to each use.
4. The method and responsibility for maintenance of open areas, private streets, recreational amenities and parking areas.
5. All environmental sensitive areas.

D. Parallel Plan

The applicant shall also prepare a parallel design plan for the project consistent with the requirements and design criteria of the Girard Township subdivision regulations, preliminary tentative plat stage. The parallel plan shall meet the minimum lot area and width standards of the zoning district in which it is located. This plan will be used to establish a base number of lots permissible to be developed at the site. This base number can then be increased by up to 20% to provide a density bonus for complying with the requirements of this Article.

1. Lots in the parallel plan shall provide sufficient building envelop size without impacting wetlands regulated by the Michigan Department of Environmental Quality (MDEQ).
2. The Planning Commission shall review the design to determine the number of lots that could feasibly be constructed following the parallel design. This number shall set the maximum density number of dwelling units for the site allowable under the “PUD” provisions of this Ordinance.
3. However, riparian lots shall not be reduced in size from the dimensions listed unless granted a variance by the Township Zoning Board of Appeals.

The Planning Commission may allow an exemplary open space community to include one or more of the following optional provisions. In order to qualify for an optional provision, the applicant must demonstrate to the Planning Commission and to the Township Board of Trustees, that the proposed project exceeds the minimum standards for a “PUD”.

4. In order to qualify for development under optional provisions of this section, all structures within the development, including single family dwellings, shall be

subject to architectural review by the Planning Commission and the Township Board of Trustees. Buildings shall provide harmony with adjacent uses in terms of texture, materials, peaked roof lines and massing, but there shall be a variation of front facade depth and roof lines to avoid monotony. Building elevations are required for all structures.

5. A variable density bonus of ten percent (10%) shall be allowed as an incentive for the use of the PUD process. An additional density bonus of ten percent (10%) may be approved at the discretion of the Planning Commission and the Township Board of Trustees based upon a demonstration by the applicant of design excellence in the “PUD” project. In order to be eligible for the density bonus the “PUD” must meet all of the following criteria:
 - a. Provide perimeter transition areas around all sides of the development that are at least one hundred and fifty (150) feet in depth.
 - b. Cleanup of on-site contamination, if necessary.
 - c. Providing a minimum of thirty percent (30%) open space in the development.
6. After reviewing the preliminary plan, the Planning Commission shall transmit its recommendation to the applicant, along with any suggested changes or modifications.

E. Impact Assessment

1. The Planning Commission may require the applicant to prepare and submit an impact assessment. When required, preparation of the impact assessment shall be the responsibility of the applicant. The applicant shall use qualified professional personnel to complete the impact assessment. The impact assessment shall describe in detail the effect and impact that the proposed “PUD” will have, or may have, upon or with respect to any of the following:
 - a. Streams, rivers, wetlands, and the quality of surface and ground waters.
 - b. Public utilities.
 - c. Displacement of people and other land uses by the proposed use.
 - d. Character of the area.
 - e. Traffic.
 - f. Wildlife.
2. The impact assessment shall, if required by the Planning Commission, include statements and comments from the following public agencies or officials concerning any aspects of the proposed “PUD” within their respective responsibilities and jurisdictions:

- a. Township Fire Department.
 - b. School districts represented within the Township.
 - c. The Department of Natural Resources and Environment.
 - d. Branch County:
 - Sheriff’s Department
 - Health Department
 - Road Commission
 - Drain Commissioner
 - e. Such other agencies as determined appropriate by the Planning Commission.
3. The Planning Commission and Township Board of Trustees shall consider the criteria listed below in their evaluation of the impact assessment. Failure to comply with any of the criteria shall be sufficient justification to deny approval.

SECTION 12.04 PUBLIC HEARING AND PRELIMINARY APPROVAL PROCEDURES

- A. Within forty-five (45) days after receipt of the completed application and fee the Planning Commission shall schedule a public hearing on the request.
- B. Within sixty (60) days of the public hearing the Planning Commission shall recommend to the Township Board of Trustees, one of the following:
1. Approval of the preliminary plan, or
 2. Approval of the preliminary plan subject to certain specified conditions, or
 3. Denial of the preliminary plan.

In making a recommendation to approve the “PUD” the Planning Commission must find that the purposed “PUD” meets the following standards:

1. Granting the “PUD” special use permit will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, and the benefit would otherwise be unfeasible or unlikely to be achieved.
2. The “PUD” will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of the “PUD” as approved.
3. The “PUD” will be compatible with the master plan of the township and consistent with the intent and purpose of this Article.

4. The “PUD” will not result in significant adverse effects upon nearby or adjacent lands, and will not change the essential character of the surrounding area.
5. The “PUD” is designed and laid out to preserve natural resources and natural features, to the fullest extent possible.
6. Within sixty (60) days after receipt of the Planning Commission’s recommendation the Township Board of Trustees shall either:
 - a. Approve the preliminary plan
 - b. Deny approval of the preliminary plan
 - c. Refer the preliminary plan back to the Township Planning Commission for further review.

SECTION 12.05 FINAL APPROVAL PROCEDURES

- A. After the preliminary plan has been approved by the Township Board of Trustees the developer shall prepare the final development plan. The applicant shall submit fifteen (15) sets of the final development plans to the Township Zoning Administrator / Code Enforcement Officer. The Zoning Administrator shall forward copies of the final plan to the Coldwater fire chief, engineer, planner and others deemed appropriate. The balance of the plans shall be turned over to the Zoning Administrator / Code Enforcement Officer for distribution to the Planning Commission for their review.
- B. The final development plan shall include all of the information required on the preliminary development plan and all additional information requested by the Planning Commission.
- C. The final plan shall incorporate all recommendations of the Planning Commission pursuant to the Commission’s review of the preliminary plan, or shall indicate how the final plan fails to incorporate the Commission’s recommendations. The plan shall be certified by a licensed architect, register surveyor or professional engineer. In addition, final plan shall include the following:
 1. Architectural renderings or specific statements as to the type and style of construction to be used in the proposed buildings along with the height and area of each building.
 2. Projected time for completion of the entire project.
 3. Proposed phasing, if any, and the projected time for completion of each phase.
 4. Landscaping plans.
 5. Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon.

6. Engineering plans showing, as necessary, water, waste disposal, drainage, exterior and street lighting, electricity, telephone and natural gas installations, and the nature and extent of earthwork required for site preparation and development.
 7. Any other information required by the Planning Commission to assist in the evaluation of the proposed “PUD”.
- D. Within forty-five days of the receipt of the complete set of the final plans the Planning Commission shall review the plans for their completeness, act upon the plans and send their recommendation to the Township Board of Trustees.
- E. Within sixty days of the Township Board of Trustees receipt of the Planning Commission’s recommendation, the Township Board shall review the final development plans and recommendation submitted by the Planning Commission. In making its decisions, the Township Board shall determine:
1. Whether the final development plan complies with the standards, conditions, and requirements of this Article.
 2. Whether the “PUD” promotes the intent and purposes of this Article.
 3. Whether the “PUD” will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project.
 4. Whether the “PUD” will be consistent with the public health, safety, and welfare needs of the township.

SECTION 12.06 APPLICATION FEE

The Township Board of Trustees shall by resolution, establish a fee schedule for special use permit applications under this ordinance.

SECTION 12.07 PERFORMANCE GUARANTEE

Performance bonds may be required by the Township Board of Trustees in accordance with Section 24.12.

SECTION 12.08 CONSTRUCTION COMPLIANCE

Any permit issued for construction pursuant to the “PUD” special use permit shall be valid only so long as there is compliance with the final development plan as accepted by the Township Board of Trustees.

SECTION 12.09 AMENDMENTS AND REVISIONS

- A. A developer may request a change in an approved final development plan. Except for those changes determined to be minor, as provided below, changes to an approved final development plan or any conditions imposed on a “PUD” special use permit shall be reviewed and approved, approved with conditions, or denied by the Planning Commission and the Township Board of Trustees pursuant to the procedures provided by this Article for an original request.

- B. Minor changes to a final development plan may be approved by the Planning Commission without review and approval of the Township Board of Trustees. “Minor changes” are limited to the following:
 - 1. Changes in residential floor area of not more than five percent (5%) provided that there is no increase in the number of units.
 - 2. The relocation of building footprints by not more than three (3) feet, unless a specific setback or separation distance is imposed as a condition of the “PUD” approval.
 - 3. An increase in area portions of the site designated as “not to be disturbed”.
 - 4. The substitution of plan materials by similar types of landscaping on a 1-to-1 ratio, as determined by the zoning administrator.
 - 5. Other similar changes of a minor nature proposed to be made to the configuration, design, layout, or topography of the “PUD” which are not significant in relation to the “PUD” and would not have any significant adverse effect on adjacent or nearby lands or the public health, safety, or welfare.

SECTION 12.10 EXPIRATION AND EXTENSION OF APPROVAL PERIOD

The approval of the final development plan for a planned unit development shall be for a period not to exceed two (2) years, from the date of the Township Board of Trustees final approval date, to allow for preparation and recording of the required subdivision plat and development of the project. If no construction has begun within two (2) years after the approval is granted, the approved final development plan shall be void. The Township Board of Trustees may require a new final development plan to be submitted and reviewed in accordance with the requirements for the original application. An extension of the time limit may be approved if the Township Board of Trustees finds that such extension or modification is not in conflict with the public interest.

No zoning amendment passed during the time period granted for the approval of the final development plan shall in any way affect the terms under which approval of the planned unit development was granted.

ARTICLE 13
SITE CONDOMINIUMS

SECTION 13.01 PURPOSE

Pursuant to the authority conferred by the Condominium Act, P.A. 59 of 1978 (MCL 559.101 et seq., MSA 26.50(101) et seq.), condominium subdivision plans shall be regulated by this Ordinance as site condominiums. The intent of this Section is to ensure that site condominium subdivisions are developed in compliance with all applicable Zoning Ordinance requirements, and standards applicable to subdivision developments established under the Township Subdivision Ordinance and the Land Division Act, P.A. 288 of 1967, as amended.

SECTION 13.02 GENERAL REQUIREMENTS

- A. Definitions. The terms used in this Section are defined in Article 2, Rules, Terms, and Definitions, and the Condominium Act, P.A. 59 of 1978, as amended. The terms are used in a manner intended to make possible comparison between the provisions of this Section and Ordinance, the Condominium Act, and other applicable Township Codes and Ordinances. Specifically:
1. “Subdivision lot” or “lot” shall be synonymous with the term “site condominium unit.”
 2. “Building” or “structure” shall be synonymous with the term “building envelope.”
 3. “Preliminary plat” shall be synonymous with the term “preliminary condominium subdivision plan.”
 4. “Final plat” shall be synonymous with the term “final condominium subdivision plan.”
 5. “Subdivision” or “single-family residential subdivision” or “commercial subdivision” or “industrial subdivision” shall be synonymous with the term “site condominium project.”
 6. “Proprietor” shall be synonymous with the terms “applicant” or “developer.”
- B. Design and Layout. Site condominium projects shall comply with the design layout and improvement standards and all other applicable provisions of this Ordinance (including

all setback, height, lot coverage, yard setback, and area restrictions of the underlying zoning district.)

- C. Use. Each site condominium unit shall be located in a zoning district that permits the proposed use. If the use is a special exception use, a public hearing and approval of that special exception use will be required consistent with the requirements in Article 11.
- D. Setbacks. Required yards shall be measured from the street right of way line or private road easement and site condominium unit boundaries to the nearest edge of the building envelope.

SECTION 13.03 CONDOMINIUM SUBDIVISION PLAN REVIEW

Township approval of the condominium subdivision plan, condominium documents and construction plans shall be required prior to the start of construction, expansion or conversion of a site condominium project. No permits for construction, grading, or installation of roads or utilities shall be issued for property in a site condominium project until all necessary approvals have been granted by the Township.

- A. Review Procedure. Condominium Subdivision Plan review shall follow the procedures for subdivision review as provided in the State statute, with the modifications noted below. The subdivision condominium plan review process shall be a two-step procedure, as follows:
 - 1. Preliminary Condominium subdivision plan: A preliminary condominium subdivision plan shall include all plans, survey, sketches, drawings, statements and additional information required by the Township Subdivision Ordinance, with the modifications noted below for approval of a preliminary subdivision plat. In addition, the following information shall be provided:
 - a. Proposed name of condominium project.
 - b. Legal description of the condominium project boundaries.
 - c. Names, address and telephone numbers of the proprietor, and the professional seal of the planner, designer, engineer or surveyor who designed the condominium project layout.
 - d. The location of property lines, roadways, easements, walkways, open space, and/or other developments within 100 feet of the subject property.

- e. A location map or vicinity sketch showing the relationship of the proposed site condominium to the surrounding area.
- f. Land use and existing zoning of the proposed site condominium project and adjacent properties.
- g. The preliminary plan shall be at a scale of one inch equals one hundred (100) feet or larger.
- h. Statement of intended use of the proposed condominium project, such as: residential, single family, two-family, and multiple-family housing; commercial; industrial; recreation; or agricultural. The plan should illustrate any sites to be designated for public (i.e. school, church, recreation) or non-public (i.e. shopping, drainage, senior housing) uses other than the primary proposed use of development.
- i. A map of the entire area scheduled for development, including future street rights-of-way, if the proposed development is a portion of a larger holding intended for subsequent development.
- j. Layout, numbers and dimensions of units, including building setback lines.
- k. Indication of parcels of land intended to be dedicated or set aside for public use or for the common use of property owners in the site condominium project. The site plan shall show the location of all floodplain and wetland areas.
- l. Location of any existing and proposed sanitary sewers, water mains, storm drains and other underground facilities within or adjacent to the proposed site condominium project, including the location dimensions of easements thereof.
- m. Contours shall be drawn on the Preliminary Condominium Site Plan at five (5) foot elevation intervals where slope is greater than ten (10) percent and two (2) foot elevation intervals where slope is ten (10) percent or less. Topography to be based on U.S.G.S. datum.
- n. The proprietor shall submit preliminary plans for streets, water, sewers, sidewalks and other required public improvements. The plans shall contain sufficient detail to enable the Township to make preliminary determination as to conformance of the proposed improvements to applicable Township and County regulations and standards.

2. **Public Hearing:** Any condominium subdivision plan submitted to the Township shall contain the name and address of the applicant or his authorized representative to whom notice of a public hearing shall be sent and no plan shall be acted on by the Commission without affording a hearing thereon. On request of the Commission, notice shall be published in the manner as described in Section 11.04.

3. **Approval of the Preliminary Condominium Subdivision Plan:** A preliminary condominium subdivision plan shall be approved according to the following procedures:
 - a. After the Public Hearing the Planning Commission shall take action on the application for Preliminary Site Condominium review.

 - b. The Commission shall consider the contents of the application, the requirements of this Ordinance, the objectives of the Township Land Use Plan, and give special attention to the following:
 - i. Design and legal standards set forth in the Township Subdivision Ordinance.

 - ii. The relationship of the circulation system to the surrounding neighborhood and street network.

 - iii. Method of providing utilities and the capacity of local utility and road networks to serve proposed development.

 - iv. Existing and proposed land uses.

 - v. Impact on schools, parks, and other community facilities.

 - c. If the Commission is satisfied that these standards have been satisfied, then the Planning Commission shall approve the Preliminary Condominium Plan. The Commission may also approve the Plan with conditions, deny the Plan, or table for further discussion.

 - d. Approval of the Preliminary Plan shall be good for two years, within which time the applicant may seek approval for Final Condominium Plan for all or part of the proposed site. The Planning Commission may grant a one-year extension to this time limit if warranted due to circumstances outside the applicant’s control and knowledge.

4. **Review of Condominium Documents:** The applicant shall submit a copy of all condominium documents, including but not limited to the condominium master deed, bylaws and all related exhibits, to the Township for approval. These documents should specify who is responsible for maintenance of common elements and open space, including accessory structures. Prior to final condominium subdivision plan approval, the applicant shall submit the necessary documents to the Township Attorney and/or Planner for review. The required documents shall include the conditions upon which the approval is based, with reference to the approved condominium subdivision plan. The documents will also be reviewed to ensure that the common use and open space areas have been dedicated to an association or other appropriate entity, that these areas and the roads and infrastructure are provided with the means for on-going maintenance, and that the internal development standards comply with the applicable Ordinances of the Township.
5. **Outside Agency Approval:** The applicant shall be responsible for forwarding a copy of the approved preliminary condominium subdivision plan to all applicable State, County, and local agencies having jurisdiction over specific aspects of the condominium project, such as wetlands, storm drainage, soil erosion and sedimentation, and utilities. All necessary permits or approvals from applicable outside agencies shall be received prior to final condominium subdivision plan approval.
6. **Final Condominium Subdivision Plan Review:** The final condominium subdivision plan shall include all information required for the approved preliminary condominium subdivision plan, and any additional information required by State statute for a final subdivision plat. Additionally, the following information shall be provided:
 - a. Complete metes and bounds description of the site condominium project boundary.
 - b. Letters of approval from all required authorities (i.e. Branch County Road Commission, Branch County Drain Commissioner, MDEQ, etc.) indicating that the site condominium subdivision plans comply with their requirements.
 - c. Final Engineering Construction Plans for all improvements to be constructed in connection with the proposed site plan in accordance with Township Construction Standards.
7. **Approval of Final Condominium Subdivision Plan.** A final condominium subdivision plan shall be approved according to the following procedures:

- a. The Planning Commission shall consider the final condominium subdivision plan in relation to the requirements of this Ordinance, the intent of the Township Master Plan, the comments received from outside agencies, and the approved preliminary condominium plan and any conditions of approval.
- b. The Planning Commission shall make a recommendation to the Township Board to approve, deny, or approve with conditions, the proposed development.
- c. The Planning Commission’s recommendation and the complete record of the application shall be forwarded to the Township Board for final approval. The Township Board may approve, approve with conditions, or deny the project based on the standards and requirements provided herein.

SECTION 13.04 REQUIRED IMPROVEMENTS

Construction of utilities, streets, sidewalks, and other improvements may commence only after final approval of the proposed development and condominium documents by the Township Board. Site condominium projects shall further comply with the following:

- A. Utilities. To the extent practicable, all utilities, including electric and cable services, shall be underground. All water and sanitary sewer processing must be approved by Branch County.
- B. Street lights may be required to be installed at all condominium development entrances.
- C. Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Unit irons shall be set at all condominium unit corners and deflection points of condominium unit lines. The Township may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one (1) year, on condition that the developer deposits with the Township Clerk a performance guarantee equal to the estimated cost of such work. 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 Board shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the site condominium plans.

- D. Streets and Necessary Easements. Condominium projects shall comply with all street requirements applicable to conventional subdivisions, and shall provide all easements necessary 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.

Streets shall be constructed in conformance with the applicable Township roadway and engineering standards. Public street connections shall be provided to all adjacent parcels, as determined necessary by the Township to provide adequate continuity and connectivity to the public street system.

SECTION 13.05 BUILDING PERMITS

Prior to the issuance of building permits for any condominium units, the applicant shall submit the following to the Township:

- A. A copy of the recorded condominium documents (including exhibits).
- B. A copy of any recorded restrictive covenants.
- C. A copy of the approved final condominium subdivision plan in a format acceptable to the Township.
- D. The warranty deed and bylaws, and easement documents for all rights-of-way and easements dedicated to the public.
- E. Final Acceptance and Submission of As-Built Drawings: After construction, as-built drawings of the completed development shall be submitted, in an acceptable format, to the Township for review. Final acceptance of the development and release of the final certificate of occupancy and any performance guarantees shall not take place until the as-built drawings have been approved by the Township.
- F. Revision of Condominium Subdivision Plans and Amendments to Condominium Documents:
 - 1. Any revision to the final condominium subdivision plan that would materially alter the approved site design, uses or intent and conditions of final condominium subdivision plan approval shall be submitted for review as a

revised final condominium subdivision plan following the procedure for approval of the original plan as stated above.

2. Any revision to the final condominium subdivision plan that would not materially alter the approved site design, uses or intent and conditions of final condominium subdivision plan approval may be reviewed administratively by the Zoning Administrator / Code Enforcement Officer.
3. Any revision to the condominium documents or development agreement that affects the approved final condominium subdivision plan shall be reviewed and approved by the Township Attorney and Township Board.

SECTION 13.06 RELOCATION OF BOUNDARIES AND SUBDIVISION OF CONDOMINIUM UNITS

- A. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents and provided for in the Condominium Act, as amended, shall comply with all regulations of the zoning district in which located. Site plan review and approval shall be required.
- B. Subdivision of condominium unit sites or units is permitted subject to Planning Commission approval 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. Each condominium unit that results from a subdivision of another condominium unit shall comply with all regulations of the zoning district in which located.

SECTION 13.07 GUARANTEE OF COMPLETION OF IMPROVEMENTS

To ensure compliance with the provisions of this ordinance and any conditions imposed there under, a financial guarantee may be required for any condominium project in accordance with the requirements of Section 24.12 of this Ordinance.

ARTICLE 14
DEVELOPMENT STANDARDS FOR SPECIFIC USES

SECTION 14.01 JUNK-SALVAGE YARD

In addition to other regulations set forth in this Ordinance, all Junk or Salvage Yards shall conform to the following requirements:

- A. A Special Use Permit shall be required.
- B. The Junk Yard or Salvage Yard shall be located on a public arterial street, or equivalent major public street.
- C. Travel routes for trucks entering or leaving the Junk Yard or Salvage Yard shall be shown on a map of the Township at the time of application for a Special Use Permit. Such routes shall not, pass through residential areas.
- D. The site plan shall be provided at the time of the Special Use Permit application and shall meet all requirements of this Ordinance. The site plan shall also contain a description of the location and the nature of any material processing operation to be conducted within the proposed Junk Yard or Salvage Yard and the location and nature of equipment for such operation.
- E. Junk or Salvage materials shall be stored in organized rows with open intervals at least twenty (20) feet wide between rows for the purpose of fire protection access and visitor safety.
- F. Junk or Salvage materials shall not be stored in piles higher than the top of the fence surrounding the yard. No materials shall be stacked so as to prohibit fire protection or safety.
- G. The Junk or Salvage Yard shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin.
- H. The Junk or Salvage Yard when established and located within one thousand (1,000) feet of any existing residential district, as measured on a straight line distance, shall not be open for business and shall not operate at any time other than between the hours of seven a.m. (7:00) and six p.m. (6:00) on weekdays; and between seven a.m. (7:00) and twelve noon (12:00) on Saturdays, and shall not be open for business or operate on Sundays or Legal Holidays.

- I. Burning shall be prohibited except within an enclosed incinerator, and only if the burning operation and incinerator are approved by the County Health Department, the Fire Department, and the Township Zoning Administrator / Code Enforcement Officer.
- J. All flammable liquids contained in automobiles and other vehicles shall be drained from the same immediately after such vehicles are brought to the yard. Such liquids are to be stored in containers approved by the Fire Department, the County Health Department and/or the Township Zoning Administrator / Code Enforcement Officer.
- K. All drives, parking areas, and loading or unloading areas, shall be paved, or chemically treated at least two (2) times per year so as to limit nuisance on neighboring properties and public roads caused by windborne dust.
- L. There shall not be more than one (1) entrance way from each public street which adjoins the Junk or Salvage Yard.
- M. Fencing shall be required as follows.
 - 1. A solid, screen type fence or wall at least 10 feet high and no more than 15 feet high, as measured from grade level at each post in case of a fence, or at ten (10) foot intervals in case of a wall, shall be provided along each property line. The fence shall be sufficient height to screen the use on the site.
 - 2. A fence or wall located along the perimeter of such Junk or Salvage Yard shall be no nearer to the property line than twenty (20) feet. Such setback areas will be landscaped and maintained as a lawn.
 - 3. The front fence shall not be located nearer than the front yard setback requirement for the district in which the Junk or Salvage Yard is located. The front yard shall be landscaped and continuously maintained as a lawn.
 - 4. All gates shall be of opaque materials. Strips of metal or other materials inserted into wire fences shall not fulfill the requirements of Section 14.01.M.1.
 - 5. Storage of Junk Tires or Used Tires will not be permitted in any district.

SECTION 14.02 MOBILE HOME PARK.

All Mobile Home Parks must conform to all State of Michigan regulations. A Special Use Permit shall be required. The following information shall be shown on the development plan or submitted in writing with the plan when applying for a Special Use Permit.

- A. The name of the proposed Mobile Home Park.
- B. Names and addresses and telephone numbers of the developers.
- C. The proposed location.
- D. A detailed map of the scheduled development and planned future additions.
- E. All lot lines and open space.
- F. Accessory buildings, office, storage, laundry, recreation facilities, or other necessary services for park residents.
- G. A mobile home may be displayed for sale providing that the mobile home is situated on a permanent pad within the mobile home park.
- H. One identification sign, approved in conjunction with the final site plan, identifying the mobile home park may be constructed; the sign shall not be larger than sixty (60) square feet in area nor stand higher than ten (10) feet from the grade level to the top of the sign. The sign shall not be closer than thirty (30) feet to any public street right-of-way line.
- I. All streets within the mobile home park shall be identified by street signs.

SECTION 14.03 MOBILE HOME PARK - STANDARDS

Any property eligible for development of a manufactured housing community in Girard Township shall do so only in accordance with the provisions of the Michigan Mobile Home Commission Act (Act 96 of the Public Acts of Michigan 1987, as amended) and the Administrative Rules promulgated pursuant to the Act.

SECTION 14.04 DRIVE-IN THEATERS AND TEMPORARY AMUSEMENTS ENTERPRISES.

- A. A Special Use Permit shall be required.

- B. Drive-in Theaters shall be enclosed for their full periphery with an opaque fence at least seven (7) feet in height. The fence shall be of sound construction and painted or finished neatly.
- C. All fenced in areas shall be set back at least one hundred (100) feet from any property line. In addition, the Planning Commission may require a greenbelt buffer zone which must be maintained in good condition.

SECTION 14.05 HOME OCCUPATIONS

- A. **Permitted Home Occupations:** The following are permitted home occupations provided they meet all of the standards listed in item B. below. They may be approved administratively by the Zoning Administrator upon submittal of required application materials and any required fee as designated by the Township Board.

~~1.~~ Music, dance, art, and craft classes, tutoring and studios for artists, sculptors', musicians, and photographers.

~~2.~~ Workshops for tailors, dressmakers, milliners, and craft persons including but not limited to: weaving, lapidary, jewelry making and woodworking.

~~3.~~ Personal Services, including barber shops, beauty parlors, manicure and pedicure shops, grooming, catering, and chauffeuring services.

- 4. Salesperson's office or home office of a professional person that meets all conditions of paragraph (B) below. No sales or direct customer contact are permitted on premise.
- 5. Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odor or creates electrical interference.
- 6. Other similar home occupations as determined by the Zoning Administrator and/or Planning Commission.

- B. **Required Conditions:** Home occupations shall be permitted following a determination by the Zoning Administrator that the proposed occupation complies with all the following standards.

- 1. There shall be no visible change to the outside appearance of the dwelling.

2. Traffic, parking, sewage, trash or garbage storage and removal or water use shall not be noticeably different from impacts associated with a typical home in the neighborhood.
 3. The use shall not generate noise, vibration, glare, fumes, toxic substance, odors or electrical interference, at levels greater than normally associated with a single-family home.
 4. Outside storage or display of products related to the home occupation is prohibited.
 5. Signs related to a home occupation are not permitted except as allowed for the normal residential use.
 6. The home occupation shall not become a nuisance in any manner including but not limited to items 1 and 2 above.
 7. Only a resident of the dwelling may be employed or involved in the home occupation. No person outside of the residence shall participate in the home occupation.
 8. A home occupation shall not occupy more than **twenty- five (25) percent** or **300 sq./ft.** of the usable floor area of the dwelling or **twenty- five (25) percent** of the floor area of an attached garage. Detached garages and other detached accessory buildings shall not be used for home occupations.
 9. All delivery of goods and visits by patrons and other activity shall occur only between 7:00 a.m. and 6:00 p.m.
- C. Any proposed home occupation that is not specifically permitted above may be considered a Special Land Use and be granted or denied upon consideration of the "Required Conditions" contained in item B. above and the standards specified in Article 11.
- D. Home occupation permits shall be limited to the applicant who legally resides in the residence.
- E. The use of a home address as a business address for the sole purpose of meeting state or federal licensing requirements, with no business activity conducted at the home, is not considered to be a home occupation and is exempt from the provisions of this section.

SECTION 14.06 GASOLINE SERVICE STATION

- A. General regulations: except where the regulations for a district in which the Gasoline

Service Station is located are more restrictive than the following regulations, in which case the more restrictive regulations shall apply. All Gasoline Stations shall conform to the following:

1. A Special Use Permit shall be required.
2. The minimum frontage shall be one hundred twenty (120) feet.
3. The minimum area shall be fifteen thousand (15,000) square feet
4. The minimum setback from the street right-of-way line shall be fifty (50) feet.
5. A minimum greenbelt buffer area of at least twenty-five (25) feet shall be provided around the perimeter thereof.
6. A surety bond of an amount to be determined by the Township Board to address potential leakage and spillage issues.

B. Construction Standards.

1. Separation shall be made between the pedestrian sidewalk and vehicular parking. Where the portion of the property used for vehicular traffic abuts a street, said portion shall be separated from the street by a curb of at least six (6) inches high.
2. The entire area used for vehicle service shall be paved and all other areas shall be landscaped and protected from vehicular use by a low barrier.
3. All repair service shall be within the building and only minor repair, such as battery service, and tire service, may be carried on outside of the building.
4. The minimum distance between driveways shall be no less than forty (40) feet.

C. Lighting.

All lighting shall be accomplished in a manner such that no illumination source causes nuisance to abutting property, and shall not cause confusion with traffic control.

D. Abandonment.

In the event that a Gasoline Station has been abandoned for a period of one (1) year, the Special Use Permit shall be deemed null and void, and prior to the operation or use of the premises a new Special Use Permit must be obtained. If an application for a new Special Use Permit has not been applied for after an additional one (1) year, after the expiration of the additional one (1) year period provided herein, the owner of the property shall remove all gasoline storage tanks and related equipment and restore the surface of the property in accordance with its natural grade. The removal of the tanks and pumps shall be accomplished within ninety (90) days after the expiration of the additional one (1) year period provided herein, and must comply with current E.P.A. standards. In the event that the owner fails to comply with the provisions herein, the Township Board may proceed to have the tanks and other related equipment removed and the land restored, and may seek relief under Article 2 of this Ordinance.

SECTION 14.07 SANITARY LAND FILL.

A Special Use Permit must be obtained for the operation of a Sanitary Land Fill, and the permit issued shall expire one (1) year from the date of issuance, thus requiring the owner to reapply for a renewal of the Special Use Permit on an annual basis. The Sanitary Land Fill shall obtain and maintain all appropriate licenses required by the Laws of the State of Michigan. The Solid Waste Management Act 641 of 1978 as amended, shall govern as applicable.

SECTION 14.08 DEVELOPMENT OF NATURAL RESOURCES

A. DEFINITION

The removal of soil, sand, clay, gravel, peat, minerals, natural resources, or similar materials, a mining excavation or filling operation.

B. EXCEPTIONS

1. The excavation of irrigation ponds which will be used by the owner or lessee of any Agricultural Zoned land, to irrigate crops or other personal use upon said land.
2. Farming operations where dirt or soil is moved from one area to another area to expedite farming activities.

C. APPLICATION FOR A MINING PERMIT

1. An application for a Special Use Permit shall be filed with the Girard Township Zoning Administrator / Code Enforcement Officer and must include the following information.
 - a. The legal names, addresses and phone numbers of all parties of interest, both silent and non-silent, in said premises or operation setting forth their legal interest in the premises or operation.
 - b. Detailed proposal as to the method of operation, what type of machinery or equipment will be used, estimated period of time that such operation will cover, and all haul roads and truck entrance locations to be used.
 - c. Detailed statement as to exactly what content and type of materials is proposed to be extracted or deposited.
 - d. A description of the previous business activities of all parties of interest for the preceding three (3) years.
 - e. A current copy and description of public liability and property damage insurance carried by the parties of interest including the total amounts of such coverage and the Insurance Company issuing such insurance. Such insurance must remain in effect and current during such term of operation.
 - f. Applicants must comply with all requirements of this Article and Article 11 of this ordinance if applicable and furnish any other information as may be reasonably required by The Girard Township Planning Commission to determine whether a permit should be issued

2. Prior to the approval and authorization of a permit for removal of soil, sand, clay, gravel, peat or similar materials, excavation or filling operations, the Girard Township Planning Commission shall review and approve such application. A separate permit shall be required for each separate site. Each application for a permit shall be made in writing to the Girard Township Zoning Administrator / Code Enforcement Officer and shall contain the following site plan information:
 - a. A full legal survey and legal description of the property wherein such operations are proposed.
 - b. Location of all buildings on the site, both real and proposed.

- c. Topographical survey map showing existing grades and final grades after, to be prepared by a registered civil engineer if requested by The Girard Township Planning Commission. Such survey shall include:
 - i. Existing spot elevations on a 50 feet grid system on parcels not exceeding four acres in area and a 100 feet grid system on areas exceeding four acres in area.
 - ii. Existing spot elevations on a grid system and a parallel to and exterior to at a distance or twenty-five (25) feet minimum from the lot boundary lines in order to indicate existing elevations of abutting parcels of land.
 - iii. Existing and proposed contour lines, drainage swales, storm sewers or methods of storm water run-off drainage.
- d. Existing roadways, drains, roadway ditches, and existing utility locations.
- e. Proposed haul route
- f. Location of wetlands on the site, with determination to be made by the Department of Environmental Quality, pursuant to Michigan Law.
- g. Soil Borings to show the content of the land.

D. PROCESSING OF APPLICATION

1. Upon receipt of an application under this ordinance, The Township Zoning Administrator / Code Enforcement Officer will deliver copies of the same to the members of the Girard Township Planning Commission for review and investigation. Any difficulties encountered with the application shall be reported to the applicant in writing, within twenty (20) days of the date of the next regular Planning Commission meeting.
2. The Township Zoning Administrator / Code Enforcement Officer shall notify the applicant of the time, date and place of such scheduled Planning Commission meeting and invite the applicant to be present for discussion and possible questions.
3. The Planning Commission shall either at the scheduled meeting or the next scheduled Planning Commission meeting by a majority vote of those members present, grant or deny the request for a permit. If the permit is denied, the Planning Commission shall set forth its reasons, thereof, which shall be

incorporated in the minutes of the meeting and furnished in writing to the applicant a copy of the same within eight (8) days following said meeting.

E. FEES

Application for a permit under this Section shall be accompanied by a permit fee as established by the Girard Township Board, the sum of which shall be used to defray administrative expenses occasioned by processing such application. Permits issued by the Township under this Section shall be for a one (1) year period starting April 1, of each year; and shall be renewable upon payment of an annual fee, the sum of which shall be established by the Girard Township Board. Such permits shall be renewed as herein established, provided the permit complies with all the provisions of this Ordinance and other conditions set forth by the Girard Township Planning Commission in the permit.

F. REQUIREMENTS

1. A Special Use Permit shall be required.
2. On and after the effective date of this Ordinance or any amendment thereto, It shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to engage in or conduct a mining excavation as defined, or to remove, grade or strip any topsoil, sand, gravel, peat, natural resource, or similar material, or to use lands for filling, and/or stockpiling soil or rock within Girard Township, that is to be sold or offered for sale to the public, without first submitting an application for a Special Use Permit as prescribed to The Girard Township Planning Commission, and procuring a permit after approval from The Zoning Administrator / Code Enforcement Officer.
3. No permit shall be issued or renewed to any applicant unless the following, conditions and limitations have been or will be complied with to the satisfaction of the Girard Township Planning Commission and The Girard Township Board.
 - a. The applicant must perform the permitted activities only within an Agricultural zoned district.
 - b. A surety bond shall be filed with the Township Clerk by the applicant in the amount of not less than one hundred thousand dollars (\$100,000) or an amount established by the Girard Township Board, based upon the size of the operation, conditioned upon the applicant reclaiming and rehabilitating any mined area regulated under this ordinance to a condition suitable for building development, agricultural or recreational purposes as allowed under the Township Zoning Ordinance and conditioned upon the repair and maintenance of any local or secondary roads utilized by trucks and

equipment to a condition stage convenient for travel as determined by the Branch County Road Commission. The Township Planning Commission reserves the right to review and adjust the amount of the bond annually.

- c. All trucks and equipment shall utilize the truck route established by the Girard Township Board and the Branch County Road Commission as reasonable and appropriate for the conducting of business that will be the least detrimental to residents within the Township, and to local or secondary roads within the township.
- d. Any roads used for the purpose of ingress or egress to said permitted site which are located within three hundred (300) feet of occupied residences shall be kept dust free by hard-topping with cement, bituminous substance or chemical treatment.
- e. Hours of operation of the permitted business shall be between the hours of seven a.m. (7:00 a.m.) and seven p.m. (7:00 p.m.) on normal business days and shall not operate on Sundays or legal holidays, unless otherwise authorized by the Girard Township Planning Commission.
- f. When an excavation site results in a body of water and remains undeveloped, the owner, operator, and/or the applicant shall erect a fence and place appropriate "KEEP OUT - DANGER" signs around said premises not more than two hundred (200) feet apart.
- g. No cut or excavation shall be made closer than one hundred (100) feet from the nearest street or highway right-of-way line nor nearer than three hundred (300) feet to the nearest residence, nor closer than one hundred feet to any property line, provided however, that the Girard Township Planning Commission may prescribe more strict requirements in order to give sub-lateral support to surrounding property where soil or geographic conditions warrant it.
- h. The recommended slope of the banks within the next one hundred (100) feet of the above measurements shall not exceed a maximum of one (1) foot vertical drop to each seven (7) feet horizontal, and where permanent ponds or lakes are formed from the results of the excavation the slope of all banks adjoining the pond or lake must be maintained at the one (1) to seven (7) ratio above and must extend into the water of such pond or lake to a water depth of at least five (5) feet.
- i. The Girard Township Planning Commission may require such other performance standards where, because of peculiar conditions, they deem it

necessary for the protection of health, safety, morals, and well-being of the citizens of Girard Township.

- j. No soil, sand, clay, peat, gravel, or similar materials shall be removed in such a manner as to cause run off water to collect or to result in a place of danger or a menace to the public health or safety. The premises shall at all times be graded so that surface water drainage is not interfered with.
- k. Where ever topsoil exists, suitable for growing turf or for other land use, at the time the operation begins a sufficient quantity of topsoil shall be stockpiled on said site so that the entire site, when excavation operations are completed, may be recovered with a minimum of four (4) inches of topsoil and the replacement of such topsoil shall be made immediately following the termination of the excavation. Such replacement shall be in a manner suitable for growing turf or for other land use.
- l. In the event no topsoil exists at such site, the Township Planning Commission may require that topsoil be hauled to the site in an amount suitable for growing turf.
- m. The filling of land with rubbish or garbage or any other waste matter is hereby prohibited.
- n. All equipment shall be in proper working order with all main component parts attached and shall be maintained in such condition and shall be equipped with customary noise abatement device.

G. OTHER EQUIPMENT

All other equipment including washing stations, sifting operations and sorting machines or any other such equipment used in the normal operation of such excavation shall be subject to all of the above listed requirements.

H. RESTORATION OF THE SITE

- 1. All top soil shall be stockpiled upon the premises and promptly used to resurface areas where operations have been terminated, or have been substantially discontinued for any period in excess of one hundred eighty (180) days. Such areas shall then be seeded and planted to lessen erosion and to encourage proper growth, within one (1) year of termination of all excavation activity in the area.
- 2. No natural drainage shall be materially changed or altered in any manner that would adversely affect adjoining properties.

3. Where reclamation calls for the creation of a pond or similar water body, water shall be maintained at a depth of at least five (5) feet to prevent stagnation.
4. A reclamation plan, which shall include all information required by any State or Federal agency having jurisdiction and which shall be prepared and sealed by a registered civil engineer, shall include the following:
 - a. Description and location of each phase, number of acres included in each phase, estimated starting and termination dates of each phase, and the amount of time that will be required to complete the entire reclamation operation.

All areas shall be reclaimed progressively as excavation is completed in that area. Reclaimed sites shall be reasonably natural and inconspicuous, lacking in any hazards and in a condition that they can be reused for a use permitted in the district in which the site is located.

- b. Provisions for grading, drainage (especially agricultural field tiles), revegetation, and stabilization that will minimize soil erosion, sedimentation, and public safety problems.
- c. Description of proposed future land uses.
- d. Description of plans for disposition of all structures, roads, drains, or related facilities after cessation of the extractive operation.
- e. A plan for disposal or treatment of all harmful or toxic materials found in any formations penetrated by the extractive operation or produced during the processing of minerals on the site and of chemicals or materials used during the extractive, processing, or reclamation operations.
- f. All information required as part of a reclamation that is required by State or Federal law, such as the Surface Mining Control and Reclamation Act, Public Law 95-87.

I. REVOCATION OF PERMIT

1. Any permit issued under this ordinance may be revoked or suspended at any time during the twelve (12) month period of its issuance, as a result of any violation of the terms and conditions of said permit and the Ordinance. Such revocation or suspension shall be determined by the Girard Township Planning Commission at a regular meeting of the Planning Commission, preceded by notice to the applicant of

the proposed action, the time, date and location of the meeting at least seven (7) days prior to the meeting.

2. Such notice may be delivered in person or by mail. The applicant shall have an opportunity to present any evidence or argument on their behalf. The extent of the suspension or revocation shall be at the discretion of the Township Planning Commission and shall be based upon the nature of the violation or violations, which have occurred, the frequency thereof, and the likelihood of their correction with respect to future operations. The Township Planning Commission shall set forth in writing its reasons for any suspension or revocation which shall be included in the minutes of the meeting of the Planning Commission and forwarded to the applicant within eight (8) days after the Planning Commission decision concerning the same.

J. PROHIBITION OF TRANSFER

No permit issued hereunder shall be transferred or assigned to any other person, firm, partnership, corporation, or entity without the written consent of the Girard Township Planning Commission.

SECTION 14.09 CAMPGROUNDS

Requirements for licensed Private and Public Campgrounds for active and passive recreational uses may be constructed provided that such activities shall be permitted as a Special Use only in the AG-Agricultural District and the OC-Open Space and Waterbody Conservation District and shall comply with the following provisions and other applicable County, State, and Federal rules and regulations.

A. Development Standards.

1. A campground shall not be located where it will be detrimental to public health, safety, and welfare.
2. A campground shall not be located on top of an abandoned landfill which has been used within the last five years.
3. Development of a campground shall require a Building Permit for the campground, and shall be listed as a commercial development.
4. A sketch drawing to scale showing the plot plan and general layout of all facilities must accompany the application for the building permit.

5. Where it is proposed to extend sewer and water lines to sites or where the sewage disposal system includes a treatment system other than a septic tank and soil absorption system, the plans for such a system shall be prepared and stamped by an Engineer registered in the State of Michigan.
6. A plan for the proposed method of garbage and refuse storage and disposal must be submitted with the application

B. Types Of.

Campground facilities shall be one of three (3) types or a combination thereof, Modern, Primitive, and Temporary or Rally.

1. A modern campground means a tract of land where recreational units are accommodated and flush toilets and water under pressure are available at a service building or camp sites.
2. A primitive campground means a tract of land where recreational units are accommodated, and water is furnished from a hand pump well and sewage is disposed of by means of a sanitary privy.
3. A temporary or rally campground means a tract of land where recreational units are accommodated on a temporary or short time basis, and sewage is disposed of by a sanitary privy.

C. Site Use and Arrangement.

1. A site in a campground shall be of such size and so arranged as to provide for recreational units and shall have at least fifteen (15) feet of road frontage abutting on a roadway, and twelve hundred (1,200) square feet of area for each unit.
2. A road right-of-way shall be provided having a minimum width of twenty (20) feet. The travel portion of the right-of-way shall be maintained in a passable and dust free condition.
3. No vehicle, tent, camper, or travel trailer will be allowed within the park except on an approved campsite.
4. A primitive campsite shall be at least seventeen (17) feet in width with a minimum area of at least eight hundred (800) square feet.

5. Where these standards conflict with the requirements of the State Act, the State standards shall apply.

SECTION 14.10 MOTOR HOMES, CAMPERS, AND TENTS USED AS TEMPORARY DWELLINGS.

- A. No motor homes, campers, or tents shall be placed or used as a temporary dwelling on any lot in a zoned Residential, Multiple Family, Neighborhood Business District, or any Residential, Multiple Family, Neighborhood Business District that is in the process of development and has not yet been zoned as the same except as listed in Section 14.09. The Zoning / Code Enforcement Officer may make an exception to this prohibition in an emergency situation, such as the destruction of one’s dwelling by an act of God.
- B. Motor homes, campers, and such temporary dwellings may be placed and used on any lot or property, in an Agricultural zoned district to be used for hunting purposes, but may not be used for a year-around or permanent dwelling and must be hooked to an approved septic system in compliance with the approved standards of the Branch County Health Department or be a self-contained unit including a self-contained sewerage and waste water system.
- C. Motor homes, campers, or other such temporary dwellings shall not be permitted to be used as a place of dwelling in any Commercial or Industrial Districts except as a temporary office space during construction and in compliance with The Girard Township Zoning Ordinance.
- D. No more than one motor home, camper, or tent may be placed on property in a Residential, Multiple Family, or Neighborhood Business District only on a visitation basis not to exceed a period of twenty one (21) days at any one time. No unit shall be placed upon said lot within 30 days of the last placement. All such units must be a self-contained unit, including a self-contained proper storage system for sewerage and waste water, or have access to sewer and water upon the same lot.
- E. No mobile homes shall be placed upon any lot in any zoned district except in compliance with the Girard Township Zoning Ordinance.
- F. The above items are subject to the Official Girard Township Zoning Map.

SECTION 14.11 ESSENTIAL SERVICE BUILDINGS

- A. In every zoning district, the following Essential Service Buildings shall be required to have a Special Use Permit prior to their construction: high voltage transmission towers,

transformer substations, pumping stations, communication relay stations, gas and steam regulating valves, other buildings or stations or similar functions.

- B. No such building shall be used for residential purposes.
- C. An approved opaque fence or greenbelt buffer may be required by the Planning Commission in addition to the circumstance provided in Section 6.07 of this Ordinance.

SECTION 14.12 RESIDENTIAL CLUSTER SUBDIVISION (RCS)

- A. Required standards for approval.
 - 1. A Special Use Permit shall be required.
 - 2. The maximum number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the underlying district or districts in which the RCS site is located. Net development area is determined by subtracting water, muck, peat areas, areas set aside for churches, schools, and streets from the gross development area. The area set aside as common land, open recreation, except as above indicated, shall be included as part of the net development area.
 - 3. The proposed development must be served adequately by essential public services and facilities such as highways, streets, police and fire protection, drainage and refuse disposal. Public water and sewer systems shall serve the development whenever deemed feasible by the Township Planning Commission or the Township Board.
 - 4. The proposed unit is of such size, composition and arrangement that it's construction and marketing operation is a complete unit.
 - 5. The common open space, any other common properties, individual properties, and other elements of the RCS are so planned that they will achieve a unified environmental scheme.
- B. Required Provisions in Site Plans.
 - 1. The plan shall contain all covenants, easements, and other provisions relating to the bulk, location and density or residential units, accessory uses and public facilities as may be necessary for the welfare of the residents of the RCS and not inconsistent with the best interest of the entire Township.

2. The applicant may be required to dedicate land for streets or parking purposes, and by appropriate covenants, to restrict areas perpetually as open space for common use. The development shall be subject to all conditions of this Ordinance.

C. Tentative Township Board Approval.

Tentative Township Board approval may be given by the Board upon receipt of the Planning Commission's report, incorporating such conditions as the Board deems appropriate in order to promote the health, safety, and welfare of the Township. Upon receipt of tentative approval by the Board, the applicant shall execute an agreement to construct the RCS in accordance with the plans, documents, and other data supplied to the Planning Commission and the Township Board.

SECTION 14.13 PLANNED NEIGHBORHOOD SHOPPING CENTER

A. A Special Use Permit shall be required.

B. Site Development.

1. Such development shall occupy a site of not less than three (3) acres with not less than three hundred (300) feet of street frontage.
2. No building shall be located nearer to the neighborhood shopping center than a distance equal to twice the height of said building.
3. No building shall exceed the height limitations specified in the zoning district in which it is located.
4. Only central or community sewage disposal systems may be utilized for a Neighborhood Shopping Center.

C. Screening:

When such development is located adjacent to a Residential District, or when located adjacent to a public institution or an open space, a greenbelt buffer zone shall be required in accordance with the regulations specified in Section 6.07.

D. Lighting:

All lighting shall be accomplished in a manner such that no illumination source causes a nuisance.

E. Vehicular Approach:

Driveways and approaches to the property shall be so designed and located as to create minimum interference with traffic on surrounding streets. Driveways shall be located as far away from the street intersection as practicable, but in no case less than fifty (50) feet from the intersection.

F. Parking and Circulation:

There shall be provided no less than four (4) square feet of parking and circulation for every one (1) square foot of floor area. All area accessible to traffic shall be paved and well drained. The area shall be well lighted.

SECTION 14.14 PLANNED COMMUNITY AND REGIONAL SHOPPING CENTERS

A. A Special Use Permit shall be required.

B. Site Development:

1. Such a development shall occupy a site of not less than ten (10) acres with a minimum street frontage of not less than six hundred sixty (660) feet.
2. No building shall be located nearer to any property line of the Shopping Center than a distance equal to twice the height of said building, and no building shall be located nearer to any street or highway right-of-way line than fifty (50) feet.
3. Only central or community sewage disposal systems may be utilized.

C. Screening and Transition:

A greenbelt buffer as described in Section 6.07 of this Ordinance shall be required.

D. Lighting:

All lighting shall be designed in a manner such that no illumination source shall cause a nuisance.

E. Signs:

All signs shall conform to the provisions of Article 8 of this Ordinance. With the addition of one (1) sign located on each street frontage and not to exceed one hundred (100) square feet in area, such sign may be illuminated but not be an intermittent source.

F. Vehicular Approach:

Driveways and approaches shall be so designed and located as to create minimum interference with traffic. Driveways shall be located as far from the street intersection as practicable but in no case less than one hundred (100) Feet.

G. Parking and Circulation:

1. There shall be provided no less than four (4) square feet of parking and circulation space for every one (1) square foot of floor area within the center.
2. Any parking space in the center shall be accessible by a clearly demarcated pedestrian walk from the shopping center area, which shall not intersect a vehicular way more than once.
3. Automobile and truck service shall be separated from one another to the fullest possible extent.

SECTION 14.15 GROUP HOUSING PROJECTS AND GROUP GARDEN APARTMENT PROJECTS

A. A Special Use Permit shall be required.

B. Only central or community sewage disposal systems may be utilized.

C. The area shall be developed and maintained under one unified design concept and shall remain under the common ownership of one or another legal entity.

D. Site development:

1. The minimum horizontal distance between buildings (that is front to front or back to back) shall be fifty (50) feet for buildings one story in height, and shall be increased no less than five (5) feet for each additional story in height.
2. The horizontal distance between the ends of buildings shall be no less than twenty five (25) feet where the end of one building is opposite the face or rear of another building, the minimum horizontal distance between them shall be increased by no less than five (5) feet for each additional story in height.
3. The horizontal distance between the corners of adjacent buildings that do not face another or overlap in any way shall be no less than thirty (30) feet.

4. Courts completely enclosed by building walls shall not be permitted, providing that screens or fences not exceeding six (6) feet in height shall not be deemed enclosing features.
5. No building shall be closer than twenty five (25) feet to a street or a private drive, neither shall any entrance to a dwelling unit be closer than twenty five (25) feet to any private access road, driveway, or parking lot.
6. Required Off-Street Parking shall be as required in Article 9.

SECTION 14.16 AGRA-BUSINESS.

- A. Provided that such use be permitted as a Special Use only in the Agricultural District.
- B. An Agra-Business includes buildings, structures, lots, parcels, or parts thereof which provide services, goods, storage, transportation, or other activities directly related to the production of agricultural commodities. An Agra-Business may include, but is not limited to:
 1. Farm machinery sales, service, rental, and repair.
 2. Grain elevators for storage, drying, and sales.
 3. Bulk feed and fertilizer outlets and distribution centers.
 4. Seed dealership outlet and distribution centers.
 5. Grain and livestock trucking and cartage facilities.
 6. Rendering plants.
 7. Slaughter houses.
 8. Auctions for livestock.
 9. Dairy products production and processing operations.
 10. Greenhouses.
 11. Specialty farming being those farms that involve specialty crops or techniques and commonly are not the primary source of income for the owners of the property on which it is located.

SECTION 14.17 ADULT ENTERTAINMENT

In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when located in a near proximity to a Residential District or a community and a neighborhood shopping area, thereby having a deleterious effect upon such areas. It is also recognized that these controlled uses have legitimate rights under the United States Constitution as well as other similar retail establishments. Special regulations of these uses within the I-1 Industrial District is therefore necessary to ensure that adverse effects of such use will not contribute to the blighting or downgrading of residential areas or the quality of the community's existing and future retail areas. At the same time these controls are intended to provide commercially viable locations within the Township where these uses are considered more compatible and less deleterious.

The controls do not legitimize activities that are otherwise illegal under this Zoning Ordinance or under other various Local, State, or Federal Laws.

Adult Entertainment Uses: any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing, or presenting Specified Sexual Activities or Specified Anatomical Areas.

Establishment of Adult Entertainment including but not limited to adult motion picture theaters, adult drive in movies, adult book, video, and supply stores, topless and bottomless bars, adult cabarets, nude artist and photography studios, adult massage establishment, and entertainment establishments of a sexual nature, or other such adult entertainment of the same or like nature.

Any of the regulated uses enumerated herein is permitted, if such uses are in compliance with all Federal, State, County, and Local Laws which may govern or limit such use, and only after a finding has been made by the Township Planning Commission at a Public Hearing, with notice published at least once not less than five (5) or more than fifteen (15) days before the public hearing in a newspaper of general circulation within the Township and notice mailed to all property owners within three hundred (300) feet distance of the property line in question, stating the time, place, and purpose of the meeting.

- A. Adult entertainment use shall include but not limited to the following;
 - 1. An Adult Motion Picture Theater: is an enclosed structure with a capacity of ten (10) or more persons used for presenting material which has a significant portion of any motion picture or display depicting describing or presenting "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.

2. An Adult Mini-Motion Picture Theater: is an enclosed structure with a capacity for less than ten (10) persons used for presenting material which has a significant portion of any motion picture or other display depicting, describing, or presenting "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.
3. An Adult Picture Arcade: is any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) five or fewer persons per machine at any time, and where significant portions of images so displayed, depict, describe, or present "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.
4. An Adult Book and Supply Store: is a use which has a display containing books, magazines, periodicals, slides, pictures, cassettes, aids, enhancements devices, or other printed or recorded material which has a significant portion of its contents or exhibit matter or actions depicting, describing, or presenting "Specified Sexual Activities" or "Specified Anatomical Areas" or an establishment with a segment or section devoted to the sale or display of such material.
5. An Adult Cabaret: is a nightclub, theater, or other establishment which features live performances by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where a significant portion of such performances show, depict, or describe "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons.
6. An Adult Motel: is a motel wherein matter, actions, or other displays are presented which contain a significant portion depicting, describing, or participation in "Specified Sexual Activities" by persons or patrons takes place.
7. An Adult Massage Parlor: is any place where any form of consideration or gratuity, massage, alcohol rub, administration of fomentation's, electric or magnetic treatment, or any other treatment or manipulation of the human body occurs as part of or in connection with "Specified Sexual Activities" or where any person providing such treatment, manipulation or service related thereto exposes "Specified Anatomical Areas".
8. An Adult Model Studio: is any place where, for any form of consideration or gratuity, figure models who display "Specified Anatomical Areas " are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly

depicted by persons paying such considerations or gratuities, except that this provision shall not apply to a bonafide art school or similar education institution.

9. An Adult Sexual Encounter Center: is any business, agency, or persons who for any form of consideration or gratuity provides a place where two or more persons not members of the same family may congregate, assemble, or associate for the purpose of engaging in “Specified Sexual Activities” or exposing “Specified Anatomical Areas”.
- B. “Significant Portions”: as used in the above definitions, the phrase, "Significant Portions" shall mean and include:
1. Any one or more portions of the display having continuous duration in excess of five (5) minutes; and/or
 2. The aggregate of portions of the display having a duration equal to five (5) percent of the display; and/or
 3. The aggregate of portions of the collection of any materials or exhibits composing the display equal to five (5) percent or more of the display.
- C. “Display”, as used in the above definitions, the word display shall mean any single motion or still picture presentation, dance, or exhibition, live act, or collection of visual materials such as books, films, slides, periodicals, pictures, video cassettes, enhancements devices, or any printed or recorded matter which is open to view or available to the general population whether for free or otherwise.
- D. "Specified Sexual Activities", shall mean but not limited to:
1. Human genitals in a state of sexual stimulation or arousal; and/or
 2. Acts of human masturbation, sexual intercourse or sodomy; and/or
 3. Fondling or other erotic touching of the human genitals, pubic region, buttock, or female breast.
- E. “Specified Anatomical Areas”, shall mean but not limited to:
1. Less than completely and opaquely covered: (a) human genitals, pubic region; (b) buttocks; and (c) female breast below a point immediately above the top of the areola; and,

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

F. Regulations.

1. A Special Use Permit shall be required for all such establishments.
2. Application for a Special Use Permit must be made in writing to the Zoning Administrator / Code Enforcement Officer in compliance with all articles of this Ordinance.
3. The Adult Establishment shall be located on a parcel of land not less than five (5) acres.
4. The minimum distance from any residential dwelling or use shall be one thousand (1,000) feet.
5. The minimum setback from any street or road way shall be one hundred (100) feet.
6. No sign shall display words, pictures, or graphics of a sexual nature.
7. No window shall display any item of a sexual nature.
8. All windows shall be constructed or made of a material which will prevent viewing from the outside.
9. Parking areas shall be paved and drained to provide adequate drainage to avoid damage or flooding of adjoining property.
10. Parking lots shall be well illuminated.
11. No flashing or blinking lights will be permitted on the outside.
12. The minimum distance from any school, church, public park, library, museum, public or private day care, or governmental buildings, shall be three thousand (3,000) feet.
13. All buildings must be of a neutral color and design and shall not be decorated to attract attention.
14. A greenbelt buffer zone in compliance with Article 6.07 shall be constructed abutting each side yard and rear yard.

15. The Adult Establishment shall be located in an I-1 (Industrial) zoned district.
16. The establishment shall not be located within two (2) miles of another such or similar establishment.
17. Violation of any condition or requirement of this Ordinance will be just cause for the immediate closure of the establishment, and revocation of the Special Use Permit.

G. Conditions and Limitations.

Prior to the granting of a Special Use Permit, the Township Planning Commission may impose any such conditions or limitations upon the location, construction, maintenance, or operation of the establishment or related use as may, in its judgment, be necessary for the protection of the public interest. Any evidence and any guarantee including a compliance bond, may be required as proof that the conditions stipulated in connection therewith will be fulfilled . Failure to follow such limitations or conditions will act to immediately terminate any permit or license issued.

H. Limit on Reapplication.

No application for such a use which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence not previously known.

SECTION 14.18 ADULT FOSTER CARE SMALL AND LARGE GROUP HOMES AND GROUP CHILD DAY CARE HOMES

A. Adult Foster Care Small and Large Group Homes

1. The adult foster care group home shall not be located nearer than 1,500 feet to a foster care family or another foster care group home.
2. Off-street parking spaces shall be provided in a quantity sufficient to accommodate employees of the foster care group home and visitors. However, the extent of pavement coverage of the front yard shall be limited to be visually compatible with the surrounding area.
3. The home and property shall be maintained in a manner consistent with the visible characteristics of the surrounding neighborhood.

- B. Group Child Day Care Homes. A group child day care home, as defined in Article 2 and licensed by the State of Michigan, shall be granted a special use permit if it satisfies the following conditions:
1. Facilities shall not be located closer than fifteen hundred (1,500) feet to any of the following:
 - a. Another licensed group day-care home;
 - b. Another adult foster care small group home or large group home as licensed under the adult foster care facility licensing act (PA 218 of 1979);
 - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people, licensed under Article 6 of the Public Health Code, Act 368 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. Facilities shall provide appropriate fencing for the safety of children.
 3. The property and the facility shall be maintained consistent with the visible characteristics of the neighborhood.
 4. Facilities shall not exceed 16 hours of operation during a 24-hour period. The Township may limit but not prohibit the operation of the home between the hours of 10 p.m. and 6 a.m.
 5. The use shall satisfy all other requirements of this Ordinance, including those for off-street parking for employees (Article 9) and signage (Article 8).

SECTION 14.19 WIRELESS COMMUNICATION TOWERS

- A. **PURPOSE and INTENT:** It is the purpose of and intent of the township to regulate wireless communication facilities in a manner, which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, the Township is mindful that regulations may not unreasonably discriminate among providers, or prohibit the provision of wireless communications services.

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this Section to:

1. Provide for the administration of this Section so as to preclude the necessity of having a proliferation of new, freestanding towers in the Township, and so as to preclude the establishment of wireless communication facilities in residential neighborhoods or on or near public elementary or middle school properties.
2. Facilitate adequate and efficient provisions of sites for wireless communication facilities.
3. In the event an applicant proves that there is no reasonable difference of opinion that the provision of wireless communication services will be prohibited if the location of a wireless communication facility is restricted to the areas predetermined by the Township, the Township may then consider approving a location outside of a predetermined area which is found by the Township to be the least intrusive to neighborhoods and to the Township as a whole.
4. Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
5. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
6. Promote the public health, safety and welfare.
7. Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.
8. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and or unnecessary facilities in a timely manner.
9. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures, which are designed for compatibility, including the use of existing structures and the avoidance of new freestanding structures.

10. The legislative body of the community finds that the presence of towers and or pole structures, particularly if located within residential areas would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, may have an adverse impact upon property values; therefore, it is necessary to minimize the adverse impact from the presence of numerous relatively tall tower structures having low architectural and other aesthetic appeal to most persons recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety and welfare.
11. Land within road right-of-way shall be subject to regulations under this Section.

B. DEFINITIONS: The following definitions shall apply in the interpretation of this section.

1. **Wireless Communication Facilities** - shall mean and include all structures and accessory facilities related to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals, this may include, but not limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay facilities, telephone transmitting equipment building, private and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities, short wave receiving facilities, radio and television broadcast reception facilities, federally licensed amateur (ham) radio facilities, satellite dishes, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.
2. **Free Standing Towers** - shall mean towers erected which do not have or require any other support such as guy wires, poles, buildings, or other such appendage used for stabilization or support of the main tower.
3. **Colocation** - shall mean the location by two or more wireless communication providers of wireless communication facilities on a common tower with the view towards reducing the overall number of structures required to support wireless communication antennas within the community.
4. **Planning Commission** - shall mean the Girard Township Planning Commission.

C. AUTHORIZATION:

1. Subject to the standards and conditions set forth in this section, a wireless communication facilities shall be a permitted use under the following circumstances, and in the following districts specified in herein.

- a. Circumstances creating permitted use treatment. In the following circumstances, a proposal to establish a new wireless communication facility shall be deemed a permitted use when
 - i. A proposed collocation upon a wireless communication facility which had been pre-approved for such collocation as part of an earlier approval by the Township.
 - ii. Permitted uses in AG (Agricultural), OP (Open Space), or I (Industrial) districts within the Township.
 - iii. A Special Use Permit has been authorized by the Township Planning Commission.
2. If it is demonstrated by an applicant that there is no reasonable difference of opinion that a wireless communication facility may not reasonably be established as a permitted use under subparagraph 1 above and is required in order to operate a wireless communication service, then a wireless communication facility may be authorized as a Special Land Use with the approval of the Planning Commission, following a public hearing, considering the standards and conditions set forth.

D. GENERAL REGULATIONS:

Standards and Conditions Applicable to All Special Use Permits: all applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Township Planning Commission at its discretion.

1. Facilities shall be located and designed to be harmonious with the surrounding areas. Among other things, all reasonable attempts shall be made and thoroughly explored to utilize existing towers on which to place facilities.
2. Wireless communication facilities shall comply with applicable Federal and State standards relative to the environmental effects of radio frequency emissions, as confirmed by submission of Certification of Compliance by the applicant's licensed engineer.
3. Applicants shall demonstrate a justification for the proposed height of the structure and an evaluation of alternative designs which might result in lower heights.

4. The following additional standards shall be met:
 - a. The maximum height of the new or modified tower and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to collocate on the structure. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
 - b. The setback of the support structure from any adjacent residential property, buildings, structures, road right-of-way, public elementary school, middle or high school, any public or private school playground shall be no less than the height of the highest point of the structure, or the minimum distance established by other provisions of this section, whichever is greater.
 - c. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as the location of adjacent thoroughfares and traffic circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will be needed to access the site.
 - d. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
 - e. The Planning Commission shall, in the Planning Commission's discretion, with respect to the design and appearance of the structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, including landscaping, and may place other regulation, provisions, or restrictions upon the approved use to ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
 - f. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report

shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.

- g. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure long term, continuous maintenance to a reasonably prudent standard.
- h. The use of high intensity (strobe) lighting on a wireless communication facility shall be prohibited, and the use of other lighting shall be prohibited absent a demonstrated need.
- i. Applications made which do not include the signature of the licensed operator of a wireless communication service at the time of community processing may be tentatively approved, but shall not receive final approval unless and until the application has been amended to include a signature on behalf of a licensed operator. A tentative approval shall be valid for ninety (90) days. If during the ninety (90) day tentative approval period, final approval is granted to authorize another wireless communication facility within two miles of the property on which a facility has been tentatively approved, such tentative approval shall thereupon expire unless the applicant granted tentative approval demonstrates that it would not be feasible for it to collocate on the facility that has been newly granted final approval.
- j. The antenna and other attachments on a wireless communication facility shall be designed and constructed to include the minimum attachments required to operate the facility as intended at the site, both in terms of number and size, and shall be designed and constructed to maximize aesthetic quality.

E. APPLICATION REQUIREMENTS:

- 1. A site plan shall be prepared and submitted, showing the location, size, screening and design of all buildings and structures, and the location and size of outdoor equipment, and the location, number and species of proposed landscaping.
- 2. The site plan shall also include a detailed landscaping plan where the support structure is being placed at the location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to

provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.

3. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable setback to be required for the structure and other facilities.
4. The application shall include a surety bond in an amount not less than one hundred thousand (\$100,000.00) dollars to be posted with the Township at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in paragraph H below. In this regard, the security shall, at the election of the Planning Commission be in the form of a surety bond recordable at the Office of the Register of Deeds, to remove the facility in a timely manner as required under this section of the Ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any cost and attorney's fees incurred by the community in securing removal.
5. The application shall include a map showing existing and known proposed wireless communication facilities within the Township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any such information, which is trade secret, and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy. MCL 15.243 (l)(g). This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the community.
6. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes must be submitted and this information shall be continuously updated during the time the facility is on the premises.
7. The application fee, in the amount specified by the Township Board resolution.
8. The owner or duly authorized representative of all ownership interest in the land on which the Wireless Communication Facility is proposed to be located shall

submit to the Township Planning Commission a lease agreement verifying the owner's consent to locate a tower upon the property. In addition, if a licensed entity intended to be the operator of the facility does not sign the application, approval shall be restricted as provided in the General Regulations, above.

F. COLLOCATION

1. **Statement of Policy.** It is the policy of the Township to minimize the overall number of newly established location for wireless communication facilities and wireless communication support structures within the community. To encourage the use of existing structures for attached wireless communication facility purposes, consistent with the statement of purpose and intent set forth in paragraph A of this section above. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. Particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should collocate on attached wireless communication support structures in the interest of achieving the purposes and intent of this section as stated above, and as stated in paragraph A of this section. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Township. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township.

2. **Feasibility of Collocation.** Collocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:
 - a. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.

 - b. The site on which collocation is being considered, taking into consideration reasonable modifications of replacement of a facility, is able to provide structural support.

 - c. The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.

- d. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards contained in part D of this section.

3. Requirements for Collocation.

- a. A Special Use Permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation site is not available for the coverage area and capacity needs.
- b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.
- c. The policy of the community is for collocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and hereafter be deemed to be in direct violation and contradiction of the policy, intent, and purpose of the Township, and consequently such party shall be responsible for the violation, and shall be required to conform to the collocation requirements of this ordinance within one (1) year. Failure to correct this violation within one (1) year from the date of notification, the party must remove the facility within sixty (60) days.
- d. If a party who owns or controls a wireless communication facility shall fail or refuse to permit a feasible collocation, and this requires the construction and or use of a new wireless communication support structure, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township, and, consequently such party shall take responsibility for the violation, and shall be required to conform to the collocation requirements of this ordinance within one year, failure to correct this violation within the one year from the date of notification the party must remove the facility within sixty (60) days.

G. REMOVAL

- 1. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:

- a. When the facility has not been used for 180 days or more. For the purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.
 - b. Six months after new technology is available at a reasonable cost as determined by the municipal legislative body, which permits the operation of the communication system without the requirement of the support structure, or with a support structure which is lower and/or less incompatible with the area.
2. The situations in which removal of a facility is required, as set forth in paragraph 1 above, may be applied and limited to portions of a facility.
3. Upon the occurrence of one or more of the events requiring removal, the property owner or person who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition / removal, restoring the premises to an acceptable condition as reasonably determined by the Planning Official.
4. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charges to be drawn, collected and/or enforced from or under the surety posted at the time application was made for establishing the facility.
5. The person who had used the facility shall immediately notify the Township Clerk in writing if and as soon as use of a facility ceases.

H. EFFECTS OF APPROVAL

1. Subject to the following paragraph 2, final approval under this section shall be effective for a period of six (6) months.
2. If construction of a Wireless Communication Facility is commenced within two miles of a land on which a facility has been approved, but on which construction has not been commenced - during the one year period of effectiveness, the approval for the facility that has not been commenced shall be void thirty (30) days following notice from the Township of the commencement of the other facility unless the applicant granted approval of the facility which has not been

commenced demonstrates that it would not be feasible for it to collocate on the facility that has been newly commenced.

SECTION 14.20 SHOOTING RANGES

Firearm Ranges, both indoor and outdoor, operated for profit, shall be subject to the following:

- A. All Federal, State, County and Township codes and Ordinances in regard to firearms shall be strictly adhered to.
- B. In no instance shall a firearm be discharged outdoors closer than 1,000 feet to an existing residence.
- C. Screening shall be provided adjacent to all sides of the property in accordance with the screening requirements set forth in Section 6.07 of this Ordinance regardless of the adjacent use or district.
- D. For outdoor facilities only, a minimum six foot high chain link fence shall be provided to assure that individuals will not unknowingly trespass on the property, particularly where firearms are being discharged.
- E. Warning signs, clearly and visibly announcing the periodic discharge of firearms and potential danger, shall be posted around the perimeter of the firearm range area. Such signs shall measure one and one-half square feet in area and shall be posted every 200 feet along the perimeter.

SECTION 14.21 MOBILE HOMES LOCATED OUTSIDE MOBILE HOME PARKS

Mobile homes shall be permitted in all zoning districts wherein conventionally on-site built single-family dwellings are a principal use, subject to the following standards, which are intended to establish Township standards for such dwellings and assure that the unit will be comparable to neighboring dwelling units while also protecting the health, safety, and welfare of Township residents.

Mobile homes located outside mobile home parks shall:

- A. Comply with the minimum regulations and development standards of the zoning district in which the property is located.

- B. Contain a minimum core living area, a minimum width of 20 feet along all exterior elevations, and a minimum interior floor to ceiling height of seven and one-half (7 ½) feet.
- C. Fit into one of the following two categories:
 - 1. The unit shall be new and certified by the manufacturer or appropriate inspection agency as meeting the most current Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards that may be promulgated.
 - 2. The unit shall be used and certified by the manufacturer or appropriate inspection as meeting the standards cited above, and found, on inspection by the Zoning Administrator and/or County Building Inspector to be in good condition, free from housing maintenance or blight violations, and safe and fit for residential occupancy.

ARTICLE 15
AG-AGRICULTURAL DISTRICT

SECTION 15.01 PURPOSE

The purpose of this District is to protect and stabilize the essential character of agricultural areas within the Township, and to insure proper maintenance of conditions for healthful and economically productive agricultural activities by preserving those areas which are pre-dominantly agricultural in nature, and which are most appropriate for present and future agricultural development. The requirements of this district are designed so as not to impede necessary urban expansion, but to prevent unwarranted premature urban development from encroaching upon legitimate agricultural areas, thus disrupting the agricultural resources, environment, and economy including the tax base. It is essential that development in areas, which are predominately agricultural, be based on sound principles, which realize the importance of such activities to the economy and welfare of the Township. The Agricultural zoning district shall implement the goals and vision of the Agricultural Preservation future land use designation presented in the Township Master Plan.

SECTION 15.02 PERMITTED USES

Land, buildings, and structures in this zoning district may be used for the following purposes only.

- A. Farms for both general and specialized farming, together with farm dwellings and buildings and other installations necessary to such farms, including temporary housing for migratory workers provided such housing and its sanitary facilities are in compliance with all requirements of the Branch-Hillsdale-St. Joseph County Health Department and/or any other Federal, State, or Local regulating agency having jurisdiction.

- B. Single family and non-farm dwellings. The maximum density allowed for non-farm dwellings in the AG district is one unit per quarter/quarter section (except as permitted in Section 15.03.K). This shall not require the creation of 40 acre lots for a unit to be developed but instead will limit the ability to develop non-farm dwellings to one such lot per each approximately 40 acres.

As a condition of approval, the Zoning Administrator shall require that the following language be recorded with the deed of the parcel on which the non-farm dwelling is located as well as the parent parcel from which it was originally split:

“The non-farm single family dwelling located at parcel #[insert parcel number here] is permitted per Section 15.02.B of the Girard Township Zoning Ordinance.

Per the requirements of Section 15.02.B, there may be only one such unit per quarter/quarter section.”

- C. A parcel may be used for general and specialized farming and agricultural activities, including the raising or growing of corn, livestock, poultry, and other farm animals, products, foodstuff, and any building or structure may be located thereon and used for day to day operation of such activities for the quartering, storage, or preservation of said crops, livestock, poultry, or other animals, products, and foodstuff raised on said lot or in said structures.
- D. A parcel may be used and a building or structure located thereon for a riding academy, or stable for the raising of or keeping of cattle, ponies, goats, or other similar livestock whether for profit or pleasure, subject to the following requirements.
 - 1. Buildings and fenced enclosures used for the quartering of said animals shall be located a minimum distance of fifty (50) feet from the principal dwelling located on said parcel and any principal dwelling located on adjacent property.
 - 2. Keeping of Poultry, Swine, Horses, or Livestock. The keeping of poultry, swine, livestock or horses and other similar animals as pets or for educational purposes, is permitted under the following conditions:
 - a. Activities shall be conducted on less than a commercial scale for the private enjoyment of the property owners.
 - b. A building, other than the residence, used to shelter animals and/or any area used to store, dispose of, or compost manure, shall not be located closer than 50 feet to any property line.
- E. Public and private conservation areas and structures for the development, protection, and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
- F. A parcel may be used for growing, stripping, and removal of sod, provided that said lot or portion thereof shall be reseeded after stripping by fall of that year so as to reduce the actual or potential erosion by water or wind.
- G. Home Occupations (See Section 14.05.)
- H. A sign in accordance with the requirements specified in Article 8.
- I. Essential services structures, except as provided in Section 14.11.
- J. Adult Foster Care Family Homes

- K. Family Child Day Care Homes
- L. Foster Family Homes
- M. Foster Family Group Homes
- N. Roadside stands less than 200 square feet in size (see the requirements in Section 15.03.G)

SECTION 15.03 SPECIAL USES

The following buildings and structures and uses of parcels, lots, buildings, and structures are permitted in this district subject to obtaining a Special Use Permit as provided in Article 11.

- A. The removal of soil, sand, gravel, and other minerals.
- B. Public and private campgrounds, golf course, golf driving range, sportsman clubs, and hunting lodges.
- C. Community and governmental buildings.
- D. Airport or private air strip.
- E. Sanitary landfill; Junk or salvage yard.
- F. Nursery, schools, hospitals, nursing homes, cemetery, church, or other buildings used for worship.
- G. Roadside stands over 200 square feet, when authorized as a Special Use by the Township Planning Commission. In considering such authorization the Planning Commission shall consider the following standards:
 - 1. The proposed location of the roadside stand.
 - 2. The size, nature, and character of the building or structure to be utilized for the roadside stand.
 - 3. The type and kind of produce and goods to be sold at the roadside stand.
 - 4. The proximity of the roadside stand to adjoining properties.

5. The time or season during which the roadside stand will operate.
 6. The parking facilities provided for the roadside stand.
 7. Any traffic congestion or hazards which would result from the roadside stand.
 8. The effects of the roadside stand on the adjoining properties and the surrounding neighborhood.
- H. Veterinarian animal clinic or kennels.
- I. Commercial radio or television or transmitting towers.
- J. Public and private recreation areas, forest preserve, refuse, parks, reservations, and such similar low intensity uses.
- K. Temporary permit for a mobile home under the following conditions.
1. As a temporary dwelling during the building of a home, such temporary permit shall not exceed a period of two (2) years.
 2. As a dwelling in close proximity to an established dwelling in order to provide care for a relative or friend needing constant attention from the family due to age or illness.
 3. Such mobile home must be connected to an approved water and sewage disposal system which meets with the County Health Department requirements.
 4. If such mobile home is not being used for the purpose for which the permit was issued, the permit will immediately terminate.
- L. A Bed and Breakfast Inn.
- M. Group Child Day Care Homes, subject to the standards of Section 14.20.
- N. Development of natural resources.
- O. Outdoor shooting ranges

SECTION 15.04 REGULATIONS.

The following regulations shall apply in all AG-Agricultural Districts.

- A. Lot Area: No building, dwelling, or structure shall be established on any lot less than one (1) acre in area.
- B. Lot Width: The minimum lot width shall be one hundred fifty (150) feet.
- C. Lot Coverage: The maximum lot coverage shall not exceed thirty five (35) percent.
- D. Minimum First Floor Area: The minimum floor area of any residential dwelling in the AG District shall be 1,000 square feet.
- E. Yard Setback Requirements: The following requirements shall apply to every lot, building, or structure.
 - 1. Front Yard. Not less than fifty (50) feet from the road right-of-way line.
 - 2. Side Yard. Not less than fifty (50) feet, except for a detached accessory building which maybe twenty (20) feet.
 - 3. Rear Yard. Not less than fifty (50) feet, except for a detached accessory building which maybe twenty (20) feet.
- F. Height: The following height requirements shall apply in this district.
 - 1. For dwellings and non-farm buildings and structures, no dwelling or non-farm building or structures shall exceed a height of three (3) stories or forty (40) feet.
- G. Required Off-Street Parking. As required in Article 9.

ARTICLE 16
R-1 LOW DENSITY RESIDENTIAL DISTRICT

SECTION 16.01 PURPOSE

The purpose of this district is to provide areas for outlying residential development on lots of sufficient size to accommodate the safe and healthful on site water and liquid waste disposal, since these areas will likely remain unserved by public water and sewer services for an extended period of time. It is also the purpose of this district to protect and stabilize the essential characteristics of these areas, in order to promote and encourage suitable environments for low density family life until such time as it may be in the best public interest to promote development of greater intensity requiring higher levels of public services and utilities. The R-1 zoning district shall implement the goals and vision of the Neighborhood Residential future land use designation presented in the Township Master Plan.

SECTION 16.02 PERMITTED USES

The following buildings and structures, uses of parcels, lots, buildings and structures are permitted in this district.

- A. Single family dwellings.
- B. A sign, only in accordance with the regulations specified in Article 8.
- C. Essential services structures as provided in Section 14.11
- D. An accessory use, building or structure.
- E. Vegetable and flower gardens.
- F. Adult foster care family home.
- G. Family child day care home.
- H. Foster family homes.
- I. Foster family group homes.
- J. Home occupations (See Section 14.05).

SECTION 16.03 SPECIAL USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district when approved as a Special Use by the Township Planning Commission as provided in Article 11.

- A. Swimming and recreation clubs, public and private parks and playgrounds.
- B. Churches, schools, community and governmental buildings.
- C. A planned residential development which complies with the terms and provisions of this Ordinance.
- D. Residential cluster subdivision (See Section 14.12).
- E. Bed and Breakfast Inn.
- F Temporary permit for a mobile home under the following conditions.
 - 1. A single family mobile home for use as a temporary dwelling during construction of a home.
 - 2. Such mobile home must be connected to an adequate water supply and sewage disposal system meeting the requirements of the County Health Department standards.
 - 3. All temporary permits for such mobile homes will be issued by the Zoning Administrator / Code Enforcement Officer for a period of one (1) year. Request for renewals must be made in writing to the Zoning Administrator / Code Enforcement Officer at least thirty (30) days prior to the expiration of the permit in force, such temporary permit and any renewal shall not exceed two (2) years.
 - 4. If such mobile home is not being used for the purpose for which the permit was issued, the permit will immediately terminate.
- G. Group child day care homes, subject to the provisions of Section 14.20.

SECTION 16.04 REGULATIONS

The following regulations shall apply in all R-1 Low Density Residential Districts.

- A. No lot may be created less than 8,500 square feet in area and/or with less than 85 feet of width when served with public water and sewer. No lot may be created less than 15,000 square feet in area and/or with less than 100 feet of width when not served by public water and sewer.

- B. All lots existing as of July 1, 2015 that are greater than 5,000 square feet and have at least 50 feet of width shall be considered conforming and shall not be subject to the provisions of Article 7 Nonconforming Buildings, Uses, and Land.”

- C. The maximum lot coverage shall not exceed thirty (30) percent.

- D. Yard Requirements.
 - 1. FRONT YARD: There shall be a front yard not less than the average front yard for all lots within 200 feet on either side of the lot in question. If there are no buildings on the lots within 200 feet, the front yard shall be at least 20 feet.

 - 2. SIDE YARD: There shall be a side yard of not less than 10 feet. However, for lots with 70 feet in frontage on the street or less, the setback shall be reduced to seven (7) feet.

 - 3. REAR YARD: There shall be a REAR yard not less than the average rear yard for all lots within 200 feet on either side of the lot in question. If there are no buildings on the lots within 200 feet, the rear yard shall be at least 40 feet.

 - 4. WATERFONT YARD: There shall be a waterfront yard not less than the average waterfront yard for all lots within 200 feet on either side of the lot in question. If there are no buildings on the lots within 200 feet, the rear yard shall be at least 40 feet when measured from the water’s edge.

 - 5. ROADSIDE WATERFORNT YARD: There shall be a roadside waterfront yard not less than the average roadside yard for all lots within 200 feet on either side of the lot in question. If there are no buildings on the lots within 200 feet, the roadside yard shall be at least 20 feet.

 - 6. CENTER LOT LINES: For all lots with Center Lot Lines, as defined in Section 2.02, principal buildings must be set back at least 10 feet from all Center Lot Lines and accessory structures much be set back at least 7 feet from Center Lot Lines.”

- E. The maximum coverage of impervious surface on a lot shall not exceed forty (40) percent.

SECTION 16.05 MINIMUM FLOOR AREA

The minimum floor area of any residential dwelling in the R-1 District shall be 1,000 square feet.

SECTION 16.06 HEIGHT REGULATIONS

No building or structure shall exceed a height of two and one half (2 ½) stories or thirty five (35) feet from the existing ground level.

SECTION 16.07 AREA REGULATIONS

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

ARTICLE 17
R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION 17.01 PURPOSE

The purpose of this district is to provide a stable environment for medium to high density residential areas with suitable open space. This zoning district is intended for one and two family residential and related uses.

There is no specific designation in the Township Master Plan that reflects the R-2 zoning district. This reflects existing conditions and housing trends in the Township and the surrounding region. Existing areas of R-2 zoning may continue. However, no areas are currently envisioned for future R-2 development.

SECTION 17.02 PERMITTED USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district.

- A. One or two family dwellings.
- B. An accessory use building or structure.
- C. A sign, only in accordance with the regulations in Article 8.
- D. Essential service structures, except as provided in Section 14.11.
- E. Vegetable and flower gardens.
- F. Adult foster care family home.
- G. Adult foster care small group home.
- H. Family child day care home.
- I. Foster family homes.
- J. Foster family group homes.
- K. Home Occupations in a single family dwelling in accordance with Section 14.05.

SECTION 17.03 SPECIAL USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a Special Use Permit as provided in Article 11.

- A. Golf course, driving range, country club, parks and playgrounds, churches, and community and governmental buildings.
- B. Multi-family dwellings as provided for in Article 18.
- C. Nursery schools.
- D. Mobile home park, as prescribed in Sections 14.02 & 14.03.
- E. A planned unit development which complies with the terms and provisions of this Ordinance.
- F. Temporary buildings for offices.
- G. Residential Cluster Subdivision.
- H. Nursing homes, senior citizen housing and similar group housing.
- I. Group child day care homes, subject to the provisions of Section 14.20.
- J. Adult foster care large group home.

SECTION 17.04 REGULATIONS

The following regulations shall apply in all R-2 Medium High Density Residential Districts.

- A. Any use permitted in the R-1 zoning district, except as specifically provided otherwise in this Article and to the same conditions, regulations, restrictions and requirements as are provided in the R-1 zoning district and any other Article or Section of this Ordinance.
- B. No multi-family dwellings as provided for in Article 18 shall be developed, constructed, or co-mingle within an area of one or two family dwellings.
- C. Yard Requirements
 - 1. FRONT YARD: There shall be a front yard of not less than thirty (30) feet from the road right-of-way line.

2. SIDE YARD: There shall be a total side yard as follows.
 - a. For single and two Family dwellings, the total side yard shall not be less than twenty (20) feet, provided however that no side yard shall be less than seven (7) feet from the property line.
 - b. For multi-family dwellings, yard requirements shall be as provided in Article 18.
 3. REAR YARD: There shall be a rear yard of not less than twenty five (25) feet; provided however that in the case of waterfront lots, the rear yard shall not be less than forty (40) feet from the water's edge.
- D. Lot Area: The lot shall be as follows.
1. LOT AREA AND WIDTH: (Single family) The minimum lot area and width for a single family dwelling shall be eight thousand five hundred (8,500) square feet and eighty five (85) feet wide providing, however that the minimum lot area and width for a lot not served with public water and sewers shall be fifteen thousand (15,000) square feet and one hundred (100) square feet respectively.
 2. LOT AREA AND WIDTH: (Two family) The minimum lot area and width for a two family dwelling shall be fifteen thousand (15,000) square feet and one hundred (100) square feet, respectively; provided however that the minimum lot area for lots not served with public water and sewers shall be thirty thousand (30,000) square feet and one hundred (100) feet respectively.
 3. LOT AREA AND WIDTH: (Other than One and Two family) See Article 18.

SECTION 17.05 MINIMUM FLOOR AREA

- A. The minimum floor area of any single family residential dwelling in the R-2 District shall be 1,000 square feet.
- B. Each multi-family dwelling shall have a minimum usable floor area specified in Article 18.
- C. Height: the following height requirements shall apply in this district.

1. One and two family dwellings, buildings and structures shall not exceed a height of thirty five (35) feet or two and one half (2 ½) stories from the existing ground level.
 2. No detached accessory building or structure shall exceed the height requirement stipulated in Section 6.02.A.
 3. Multi-family dwellings shall not exceed the height requirements as specified in Article 18.
- D. Off street parking shall be as required in Article 9.

ARTICLE 18
MF-MULTI-FAMILY DWELLINGS

SECTION 18.01 PURPOSE

The multi-family dwellings district herein established is to provide for various types of multi-family dwelling and group development at a high density, such development requirements shall be as required in Article 17 with the exceptions and or additional requirements herein listed.

There is no specific designation in the Township Master Plan that reflects the MF zoning district. This reflects existing conditions and housing trends in the Township and the surrounding region. Existing areas of MF zoning may continue. However, no areas are currently envisioned for future MF development.

SECTION 18.02 PERMITTED USES

The following buildings and structures, uses of parcels and lots are permitted in this District.

- A. Multi-family dwellings, condos, apartment complexes and accessory buildings.
- B. Public parks and playground.

SECTION 18.03 REGULATIONS

All multi-family dwellings shall comply with Sections 17.03 through 17.05 and all other regulations or requirements specified in this Article.

SECTION 18 04 MINIMUM LOT AREA

In the multi-family district (R-2) every dwelling or group of buildings within a group hereinafter constructed shall be located on lots of not less than specified in the following unless otherwise provided herein.

- A. One acre shall be the minimum lot size for each dwelling unit.
- B. Any units must conform to the minimum yard dimensions herein required.
- C. Each unit shall be constructed on a lot.

SECTION 18.05 MINIMUM LOT WIDTH

All lots shall have a minimum width of two hundred (200) feet along the street upon which such lot principally fronts, except in case where a curvilinear street pattern results in a irregularly shaped lot with non-parallel side lot lines, in which case a lesser frontage width at the street line may be permitted, provided that in no case shall the frontage be less than one hundred fifty (150) feet at any point, nor shall the lot width be less than two hundred (200) feet at the building line.

SECTION 18.06 MAXIMUM LOT COVERAGE

All buildings, including accessory buildings shall not cover more than thirty five (35) percent of the net area of the lot. In determining the net area, the area used for private access drives shall not be included, but parking areas shall be included.

SECTION 18.07 MINIMUM YARD DIMENSIONS

- A. Front Yard: There shall be a front yard having a depth of not less than thirty five (35) feet from the road right-of-way line.
- B. Side Yard: There shall be a side yard of not less than fifty (50) feet.
- C. Rear Yard: There shall be a rear yard of not less than fifty (50) feet.

SECTION 18.08 MAXIMUM HEIGHT

- A. No building or structure shall exceed forty five (45) feet in height, or three and one half (3 ½) stories.
- B. Accessory buildings shall not exceed the height requirements provided in Section 6.02.A.

SECTION 18.09 MINIMUM INTERIOR LIVING AREA

The minimum square footage of interior living space, exclusive of any area contained within attached garages, porches, balconies, common hallways, utility rooms, storage space, halls, closets, and other general space requirements required for each family shall be as specified in the following schedule.

NUMBER OF BEDROOMS	SQUARE FEET OF FLOOR AREA
One Bedroom	Four hundred fifty (450) square feet
Two Bedrooms	Six hundred (600) square feet
Three Bedrooms	Eight hundred (800) square feet
Four Bedrooms	One thousand (1,000) square feet

SECTION 18.10 PARKING REQUIREMENTS

See Article 9

ARTICLE 19
C-1 NEIGHBORHOOD BUSINESS DISTRICT

SECTION 19.01 PURPOSE

It is the purpose of this district to provide for the convenient retail and personal service establishments which cater to the day to day needs of families residing within the immediately accessible neighborhood. The C-1 zoning district shall implement the goals and vision of the Village Mixed Use future land use designation presented in the Township Master Plan.

SECTION 19.02 USE REGULATIONS

Land, buildings and structures in this zoning district may be used, but not limited to the following purposes listed.

- A. Medical and dental clinics, barber shop, beauty salon, music studios, banks, savings and loans, and general offices.
- B. Stationery and gift shops, candy stores, ice cream stores, clothing, clothing cleaners, laundromats, drug stores, and retail shops.
- C. Jewelry, paint and wallpaper, radio and TV, hardware, appliance, and photographer shop or stores.
- D. Meat market, florist, funeral homes, restaurants and fast food drive-ins.
- E. Child care center
- F. Other such services and similar retail business or services which supply convenience commodities to the residents of the neighborhood.

SECTION 19.03 SPECIAL USES

- A. Service stations, including minor repair as specified in Section 14.06.

SECTION 19.04 REQUIRED CONDITIONS

- A. With the exception of automobile parking and off-street parking, all business, services, or processing shall be wholly conducted within an enclosed building.

- B. Site Plan Review shall be required for all development in the C-1 district.

SECTION 19.05 HEIGHT REGULATIONS

No building or structure shall exceed a height of thirty five (35) feet.

SECTION 19.06 AREA REGULATIONS

No building or structure nor any enlargement thereof shall be hereinafter erected except in conformance with yard, lot area, and building coverage requirements.

- A. **FRONT YARD:** Where the entire frontage on the same side of the street between two intersecting streets is located in a C-1 zoning district and where a setback has been established by fifty (50) percent of the frontage, then this established setback shall determine the required front yard. In all other cases there shall be a setback of fifty (50) feet from the road right-of-way line.
- B. **SIDE YARD:**
 - 1. Where a side yard of a lot in C-1 Zoning District abuts upon the side of a lot in any R-1 or AG zoning district, each side yard shall not be less than twenty five (25) feet.
 - 2. There shall be a side yard of not less than forty (40) feet on the street side of a corner lot.
 - 3. No side yard shall be required when directly abutting other commercial use or land included in a C-1 or I zoning district.
- C. **REAR YARD:**
 - 1. Where the rear of a lot in the C-1 zoning district abuts upon the side yard of a lot in any R-1 or AG zoning district, there shall be a rear yard of not less than twenty five (25) feet.
 - 2. In all other cases, there shall be a rear yard of not less than ten (10) feet.
 - 3. No accessory building shall be allowed closer than seven (7) feet from the lot line.

- D. SCREENING: Side yard and rear yards adjoining any lot in a R or Ag zoning district shall be screened as follows.
 - 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.
- 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 system be approved by the Branch-Hillsdale-St. Joseph County Health Department.
- F. LOT WIDTH: The minimum lot width shall be not less than one hundred (100) feet.

SECTION 19.07 PARKING REQUIREMENTS

See Article 9

ARTICLE 20
C-2 GENERAL BUSINESS DISTRICT

SECTION 20.01 PURPOSE

This district is composed of those areas of the Township whose principal use is retail, wholesale, and service business activities which serve or are meant to serve the public. When any of these types of businesses are permitted, they are to be regulated in a manner that protects any abutting residential district. The C-2 zoning district shall implement the goals and vision of the General Commercial future land use designation presented in the Township Master Plan.

SECTION 20.02 USE REGULATIONS

For land and or buildings, the permitted use for a C-2 zoning district are as follows:

- A. All uses permitted in the C-1 district.
- B. Antique shops, automobile sales and repair, bowling alleys, bus stations, trade schools, and car washes.
- C. Catering services, hotels and motels, lodges, halls, office supply stores, printing and publishing, and resale shops.
- D. Pet stores and shops, plumbing and heating, theaters, and liquor stores.
- E. Any other retail business or service establishment which is determined by the Planning Commission to be of the same general character as the above permitted uses, provided that all operations and storage areas are completely enclosed in a building.

SECTION 20.03 HEIGHT, AREA, AND YARD REQUIREMENTS

Height, area, and yard requirements in the C-2 zoning district are the same as in the C-1 zoning district.

SECTION 20.04 PARKING REQUIREMENTS

See Article 9

ARTICLE 21
I-1 INDUSTRIAL DISTRICT

SECTION 21.01 PURPOSE

This district is composed of those areas of the Township whose principal use is compounding, assembling, or treatment of articles or materials in manufacturing and other industrial uses. This district also allows heavy manufacturing, processing of raw materials, and other similar industrial uses. The I-1 zoning district shall implement the goals and vision of the Industrial future land use designation presented in the Township Master Plan.

SECTION 21.02 USE REGULATIONS

For land, buildings, structures and the use thereof, the height and area requirements of the I-1 Zoning districts are as follows.

- A. The manufacture, compounding, processing, packing, or treatment of such products as candy, cosmetics, perfume, pharmaceuticals, toiletries, and food products, except the rendering or refining of fats and oils.

- B. The manufacture, compounding, processing, packing, or treatment of articles from the following previously prepared materials; aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, shell, rubber, tin, iron, steel, tobacco, wood and yarn.

- C. The manufacture only by electricity or gas, of pottery and figurines or other ceramic products, using only previously pulverized clay.

- D. Petroleum storage and/or other hazardous materials shall be located on property in compliance with County, State, and/or Federal regulators and shall be located at least five hundred (500) feet from any residentially zoned property, unless a greater setback is otherwise required.

- E. Warehouse facilities, trucking facilities, auto repair, auto wash, bottle plants, dairies, machine shops, wholesale and storage facilities.

- F. Contractor yards, crating and packing services, dry cleaning plants, printing and sign shops.

- G. Propane sales.

The above uses shall be conducted within a completely enclosed building or within an area enclosed on all sides by a solid non-combustible fence or wall at least six (6) feet in height; provided further, that no goods materials, or objects shall be stacked higher than the fence or wall. That all business will be conducted in such a manner that a minimum of noise, smoke, dust, and vibration shall exit, that air and water pollutants and other harmful or obnoxious matter or nuisance shall not exit to effect adjoining property or persons.

SECTION 21.03 SPECIAL USES

- A. Drive-in theaters.
- B. Airports, and landing or takeoff areas for roto crafts.
- C. Parking lots, radio and TV towers.
- D. Billboards, business signs, and other signs which meet the requirements of Article 8.
- E. Adult entertainment uses.
- F. Any other uses when authorized by the Township Planning Commission as a Special Use.

In considering such authorization the Planning Commission shall make written findings certifying that satisfactory provisions and arrangements have been made concerning the following where applicable.

- A. Ingress and egress to the lot and the proposed building and structures thereon with particular reference to automobiles and pedestrian safety, convenience, traffic flow and control, and access in case of fire.
- B. Off-street parking and loading areas where required with particular attention to the items in subparagraph one above.
- C. Refuse and service areas with particular reference to the items in subparagraph one and two above.
- D. Utilities with references to location, availability, and compatibility.
- E. Screen and buffering with reference to type, dimensions, and character.
- F. Signs, if any, and proposed exterior lighting with reference to requirements in Article 8.
- G. Required yards and open spaces.

H. General compatibility with surrounding areas.

SECTION 21.04 HEIGHT REGULATIONS

No building or structure shall exceed three (3) stories or forty (40) feet in height whichever is the lesser.

SECTION 21.05 AREA REGULATIONS

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

- A. FRONT YARD: There shall be a front yard setback of not less than fifty (50) feet from the road right-of-way line.
- B. SIDE YARD: Where the side yard of a lot of another zoning district abuts the side yard of a lot in the Industrial zoning district, there shall be a side yard of not less than ten (10) feet.
- C. REAR YARD: There shall be a rear yard of not less than fifty (50) feet.
- D. LOT AREA AND WIDTH: The minimum lot area shall be fifteen thousand (15,000) square feet and the minimum lot width shall be one hundred (100) feet.

SECTION 21.06 PARKING REQUIREMENTS

See Article 9

ARTICLE 22
OC- OPEN SPACE AND WATERBODY CONSERVATION DISTRICT

SECTION 22.01 PURPOSE

It is recognized by this Ordinance that the principal use of certain open space areas within the Township is and ought to be the development, arrangement, and utilization of the natural resource base possessed by their areas. In order that this value may be maintained and this use encouraged, this Ordinance has established, based upon a well considered plan, a zoning district designed to regulate the location of buildings and structures and the use of parcels and lots in order to protect the natural resources, and natural habitats of wildlife, waterways, and waterbodies, agricultural capabilities, public and private recreation areas, and public health, safety, and welfare by reducing hardships and burdens imposed upon the people of the Township by wanton destruction of resources, the improper and wasteful use of open land, wooded areas, and the periodic flooding and overflow of creeks and streams. In addition this district will help protect human life, prevent or minimize material losses, and reduce the cost to the public of rescue and relief efforts occasioned by unwise occupancy or construction of buildings in areas subject to periodic inundation, such areas being shown as flood plain as compiled by the U.S. Soil Conservation Service. The OC zoning district shall implement the goals and vision of the Conservation Overlay future land use designation presented in the Township Master Plan.

SECTION 22.02 PERMITTED USE

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district.

- A. Public and private conservation areas for the development, protection, and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
- B. Specialized farming, raising of crops, livestock, poultry, and other farm animals, product and foodstuff, provided that any lot shall be maintained to prevent erosion.
- C. Signs, only in accordance with Article 8.
- D. Essential service structures except as provided in Section 14.11.

SECTION 22.03 SPECIAL USE

- A. Game refuge, golf course, park, playground, and other recreation purposes.

- B. One family dwellings.
- C. Country clubs, swimming pools, and all buildings and structures accessory to permitted uses in this district.
- D. Adult foster care family home.
- E. Family child day care home.
- F. Foster family homes.
- G. Foster family group homes.
- H. Group child day care homes, subject to the provisions of Section 14.20.

SECTION 22.04 REGULATIONS

The following regulations shall apply in all OC-Open Space and Waterbody Conservation districts.

- A. LOT AREA: No building or structure shall be established on any lot less than two (2) acres.
- B. LOT WIDTH: The minimum lot width shall be three hundred (300) feet.
- C. LOT COVERAGE: The maximum lot coverage shall not exceed ten (10) percent.
- D. YARD REQUIREMENTS.
 - 1. FRONT YARD: The front yard shall not be less than sixty (60) feet from the road right-of-way line.
 - 2. SIDE YARD: Either side yard shall not be less than fifty (50) feet.
 - 3. REAR YARD: The rear yard shall not be less than fifty (50) feet.
- E. HEIGHT: For all buildings and structures, no building or structure shall exceed three (3) stories, or forty (40) feet.

The above requirements shall apply to every building or structure in this district.

ARTICLE 23
UR-URBAN DISTRICT

SECTION 23.01 PURPOSE

The purpose of this District is to provide for the development and co-mingling of single family, two family, and multi-family residences, neighborhood business and personal service establishments which cater to the day to day needs of the families in the area.

The Unincorporated Village of Girard and its surrounding areas shall encompass this district. In order for the Village of Girard to be the central point of the Township, special considerations shall be given to the development of this district. While realizing that the small size of this area would make extensive subdividing of land and uses of land in many ways impractical, it will allow for the development of a co-mingled community. The UR zoning district shall implement the goals and vision of the Village Mixed Use future land use designation presented in the Township Master Plan.

SECTION 23.02 PERMITTED USES

- A. A Zoning Permit must be obtained from the Zoning Administrator / Code Enforcement Officer for all single family, two family, multi-family residence buildings or structures within this district. Also included with these uses shall be adult foster care family homes, family child day care homes, foster family homes, and foster family group homes.

SECTION 23.03 SPECIAL LAND USES

- A. All neighborhood business or personal service establishments must apply for a Special Use Permit and be approved by the Township Planning Commission prior to the issuance of a Special Use Permit.
- B. In considering such authorization of a Special Use Permit, the Planning Commission shall consider the following:
 - 1. The size, nature, and character of the proposed use.
 - 2. The proximity of the proposed use to adjoining properties.
 - 3. How well the proposed use harmonizes and blends with the surrounding neighborhood.

4. The need or necessity of the proposed use.
5. The effects of the proposed use upon the neighborhood.
6. The parking facilities provided and traffic or hazards which will be occasioned by the proposed use.

SECTION 23.04 YARD REQUIREMENTS

- A. FRONT YARD: There shall be a front yard of not less than thirty (30) feet from the road right-of-way line.
- B. SIDE YARD: There shall be a total side yard of not less than twenty (20) feet, provided however that no side yard shall be less than seven (7) feet from the property line.
- C. REAR YARD: There shall be a rear yard of not less than twenty five (25) feet from the property line.

SECTION 23.05 LOT AREA

The minimum lot area shall be fifteen thousand (15,000) square feet; provided however that all private sewage systems not connected to a public sewage system must be approved by the Branch-Hillsdale-St. Joseph County Health Department.

SECTION 23.06 LOT WIDTH

The minimum lot width in this district shall be no less than eighty five (85) feet.

SECTION 23.07 HEIGHT REGULATIONS

No building or structure shall exceed a height of thirty five (35) feet.

ARTICLE 24
ADMINISTRATION AND ENFORCEMENT

SECTION 24.01 ADMINISTRATION.

- A. The provisions of this Ordinance shall be administered by the Township Planning Commission, the Township Zoning Board of Appeals, and the Township Board in accordance with Act 110 of the Public Acts of Michigan of 2006, as amended, and Act 33 of the Public Acts of Michigan of 2008, as amended.

- B. The Township Board shall appoint a Zoning Administrator / Code Enforcement Officer to act as its officer to effect proper administration of this Ordinance. The individual selected, the terms of employment and the rate of compensation shall be established by the Township Board. The office of Zoning Administrator / Code Enforcement Officer may be held by more than one persons.

- C. The Township Board may appoint such assistants to the Zoning Administrator / Code Enforcement Officer as may be necessary to aid the Zoning Administrator / Code Enforcement Officer in the performance of his duties hereunder.

- D. In the absence of the Zoning Administrator / Code Enforcement Officer, the Township Board shall designate a qualified Zoning Administrator / Code Enforcement Officer from another governmental unit who shall assume all the powers and duties of the Zoning Administrator / Code Enforcement Officer.

SECTION 24.02 DUTIES OF THE ZONING ADMINISTRATOR / CODE ENFORCEMENT OFFICER

The Zoning Administrator / Code Enforcement Officer shall:

- A. Review all applications for Zoning Permits, and approve or disapprove such applications based on compliance with the provisions of this Ordinance, and other codes and ordinances adopted by the Township Board, and approve issuance of the permit if the use and requirements of this Ordinance and other laws are fulfilled. Such application shall also be subject to approval of the Branch County Building Inspector as herein set forth.

- B. Receive all applications for special use permits, conduct field inspections, and investigations, prepare maps, charts, and other pictorial materials when necessary or desirable and otherwise process applications so as to formulate recommendations and notify the applicant in writing within ten (10) days of any decision made by the Planning Commission or the Zoning Board of Appeals.

- C. Receive all applications for appeals, variances, or other matters which the Zoning Board of Appeals or the Planning Commission is required to decide under this Ordinance, conduct field inspections, and investigations, prepare maps, charts, and other pictorial materials when necessary or desirable, and otherwise process applications to the Zoning Board of Appeals or the Planning Commission for determination.
- D. Receive applications for amendments to this Ordinance, conduct field inspections, and investigations, prepare maps, charts and other pictorial materials when necessary or desirable, and otherwise process applications so far as to formulate recommendations to the Planning Commission all such applications together with recommendations.
- E. Enforce the standards of the Zoning Ordinance as well as other Ordinances of the Township, such as the Litter & Junk Ordinance and the Vehicle Storage and Repair Ordinance; correct violations and work with Township administration on enforcement procedures; report to the Township Board on violations and enforcement.
- F. Be responsible for updating the Township Zoning Map upon approval of the Township Board.
- G. Prepare and submit to the Township Board a written record of all building permits issued during the month. The record shall state the owner's name, location of the property, and intended use.
- H. Maintain written records of all actions taken by the Zoning Administrator / Code Enforcement Officer.
- I. Be responsible for providing forms necessary for the various applications for review and approval as required by this Ordinance and shall be responsible for what information is necessary on such forms for the effective administration of this Ordinance, subject to the general policies of the Township Board, the Planning Commission, or the Zoning Board of Appeals.

SECTION 24.03 DUTIES OF THE BUILDING INSPECTOR.

The Building Inspector referred to in this Ordinance is and shall be the Branch County Building Inspector pursuant to the provisions of Act 230 of the Public Acts of 1972, as amended, named the "State Construction Code". The Building Inspector shall have and perform the duties as therein set forth.

SECTION 24.04 ZONING COMPLIANCE AND BUILDING PERMITS.

A Zoning Permit is required and shall be obtained from the Zoning Administrator / Code Enforcement Officer and a building permit shall be obtained from the Branch County Building Inspector prior to the construction, enlargement, alteration, conversion, or moving of any building or structure or any part thereof, including but not limited to garages, accessory buildings, swimming pools, residential structures, commercial and industrial buildings, fences, walls, signs and billboards when specified, except under the following circumstances.

- A. The erection and placing of a portable structure necessary to an agricultural operation in an agricultural district, so long as the placement of said building shall conform to the setback and height requirements of the district in which it is located.
- B. Repairs of a minor nature such as painting, general maintenance, and upkeep which do not change the use, occupancy, area, structural strength, fire hazard, fire protection, exits, light, and ventilation of a building or structure.

SECTION 24.05 APPLICATION FOR A ZONING PERMIT.

Application for a Zoning Permit shall be made in writing, upon a form furnished by the Zoning Administrator / Code Enforcement Officer. The application shall state the name and address of the owner of the building, and the owner of the land upon which it is to be erected, enlarged, altered, or moved.

There shall be submitted with all applications for a Zoning Permit a copy of the following:

- A. A site layout or plot plan.
- B. The address, shape, area, and legal description of the property.
- C. The location of the proposed construction, upon the lot, lots, or acreage affected.
- D. The dimension, height, and bulk of the structure.
- E. The nature of the proposed construction, alteration, or repair and the intended use.
- F. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other uses.
- G. The present use of any structure affected by the construction or alteration.
- H. The yard, open area and parking dimensions, if applicable.

- I. The proposed design and construction standards of parking spaces, if applicable.
- J. The number of loading and unloading spaces provided, if applicable.
- K. Any information deemed necessary by the Zoning Administrator / Code Enforcement Officer to determine compliance with and provide for the enforcement of this Ordinance.
- L. A special use permit approved by the Planning Commission and issued by the Zoning Administrator / Code Enforcement Officer, if required by this Ordinance.
- M. All other licenses and permits required by law for the construction, enlargement, alteration, conversion, or moving of the building or structure for which a Zoning Permit is being applied for under this Ordinance.
- N. If the information shown on the layout is in compliance with the above requirements and all other provisions of this ordinance, the Zoning Administrator / Code Enforcement Officer shall issue a Zoning Permit upon payment of the required permit fee.
- O. A complete detailed description of the proposed use of any building or structure, and items sold if applicable.

SECTION 24.06 EXPIRATION OF PERMITS.

- A. A Zoning Permit for a single family dwelling for which all construction work has not been completed within one (1) year from the date of its issuance shall expire automatically. A Zoning Permit for any other building or structure for which all construction work has not been completed within two (2) years from the date of issuance shall expire automatically.
- B. A permit expiring automatically pursuant to this subsection shall, upon reapplication, be renewable one time for an additional term of one (1) or two (2) years respectively, (one year for a single family dwelling and two years for any other building or structure) on payment of an additional fee equal to one half (1/2) of the original permit fee.

SECTION 24.07 REVOKED PERMIT.

The Zoning Administrator / Code Enforcement Officer may suspend or revoke a permit issued in error on a basis of incorrect information supplied by the applicant or their agent, or if they are in violation of any of the Ordinances or regulations of the Township of Girard.

SECTION 24.08 OCCUPANCY PERMIT.

No lot, building, or structure for which a Zoning Permit, Special Use Permit, or any other permit was or should have been obtained under this Ordinance or other Laws, shall be occupied or used until an Occupancy Permit shall have been issued by the Branch County Building Inspector following the final inspection of the lot, building, or structure and the finding of the Building Inspector that said lot, building, or structure, or the use thereof is in conformance with the application and information on file and meets the requirements of this Ordinance.

SECTION 24.09 FEES, CHARGES AND EXPENSES.

The Township Board shall establish a schedule of fees, charges and expenses, and a collection procedure for Zoning Permits, Site Plans, Special Use Permits, Variances, Amendments and other matters pertaining to this Ordinance.

The schedule of fees shall be posted in the office of the Township Clerk and the Zoning Administrator / Code Enforcement Officer, and may be altered or amended by the Township Board only. No Permit, Certificate, Site Plan, Special Use, or Variance approval shall be issued until such cost, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Zoning Board of Appeals or the Planning Commission until preliminary charges and fees have been paid in full.

SECTION 24.10 VIOLATIONS-NUISANCES PER SE.

- A. Any building or structure, including tents and mobile homes, which is erected, constructed, reconstructed, altered, converted, maintained or changed in violation of any provision of this Ordinance is prohibited and hereby declared to be a nuisance per se.

- B. Smoke, dust, or other harmful or obnoxious matter exiting from any lot, building, or structure within any zoned district, except from an agricultural operation, is hereby declared to be a nuisance to the general welfare of the people of Girard Township and will be a violation of this Ordinance. Loud or excessive noise shall be enforced based on the Township's Noise Ordinance.

SECTION 24.11 PENALTIES.

- A. Any person or agent in charge of such building, structure, or land who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any provision of this Ordinance or any amendment thereof, will be issued a Notice of Violation. Failure to

bring the violation into compliance with this Ordinance within the allotted thirty (30) days may result in the issuance of a Civil Infraction Appearance Ticket, and a fine of not less than one hundred (\$100.00) dollars for the first offense plus cost and other sanctions, and must bring the violation into compliance with this Ordinance within the allotted time. Each day that a violation is permitted to exist beyond the allotted time shall constitute a separate offense.

- B. Failure to correct the first offense within the allotted time, or a second offense within one (1) year from the date of the initial violation notice, a violator shall be subject to the issuance of a second Civil Infraction Appearance Ticket and a fine of not less than two hundred fifty (\$250.00) dollars plus cost and other sanctions, and must bring the violation into compliance with this Ordinance within the allotted time.
- C. Upon a third offense within two (2) years, or the refusal to bring the violation into compliance after the issuance of a second Civil Infraction Appearance Ticket, a violator will be subject to the issuance of a Third Civil Infraction Appearance Ticket and a fine of not less than one thousand (\$1,000.00) dollars plus cost and other sanctions, must bring the violation into compliance within the allotted time.
- D. Failure by any person, agent, or firm to comply with the above actions will be subject to further actions listed within this Ordinance, any other Ordinance, or actions deemed necessary by the Girard Township Board.

SECTION 24.12 COMPLIANCE BOND.

In authorizing any application or development request, the Township Planning Commission or the Zoning Board of Appeals, as the case may be, may require that a bond in the sum not to exceed the total cost of the proposed construction be furnished in favor of the Township of Girard to insure compliance with the requirements, specifications, conditions, regulations, and provisions of the variance or permit as the case may be.

This Ordinance was approved by the Township Board on _____, _____ and is ordered to take effect immediately.

Signed this day: _____

Gene Easterday, Supervisor

Sue AcMoody, Clerk

COMMUNITY PLANNING CONSULTANT

McKenna Associates

Community Planning • Landscape Architecture • Urban Design
151 South Rose Street, Suite 920
Kalamazoo, Michigan 49007

Phillip C. McKenna, AICP, PCP President

Gregory Milliken, AICP Project Manager

