

# **CONVIS TOWNSHIP ZONING ORDINANCE**

**Ordinance No. 2021-06-01**

**Adopted**

**June 8, 2021**

**Convis Township  
Calhoun County, Michigan**

*(This Page Blank)*

## TABLE of CONTENTS

### General

<u>Article</u>		<u>Page</u>
Article 1:	Title and Purpose	1-1
Article 2	General Administration, Enforcement and Penalties	2-1
Article 3:	Zoning Districts, Regulations and Map	3-1
Article 4:	Planned Unit Development (PUD) District	4-1
Article 5:	Reserved for Future Use	5-1
Article 6:	Nonconforming Lots, Uses and Structures	6-1
Article 7:	Reserved for Future Use	7-1
Article 8:	Signs	8-1
Article 9:	Off-Street Parking and Loading	9-1
Article 10:	Landscaping and Screening	10-1
Article 11:	Environmental Protection	11-1
Article 12:	Access and Private Roads	12-1
Article 13:	Additional Standards and Regulations for Specific Land Uses	13-1
Article 14:	Site Plan Review	14-1
Article 15:	Special Land Uses	15-1
Article 16:	Zoning Board of Appeals (ZBA)	16-1
Article 17:	Zoning Map and Text Amendments	17-1
Article 18:	Reserved for Future Use	18-1
Article 19:	Reserved for Future Use	19-1
Article 20:	Supplemental Provisions	20-1
Article 21:	Definitions	21-1
Article 22:	Interpretation, Severability, Vested Right, Repeal and Effective Date	22-1

### Outline

<u>Article and Section</u>		<u>Page</u>
PREAMBLE		1-1
<b>ARTICLE 1:</b>	<b>TITLE and PURPOSE</b>	<b>1-1</b>
Section 1.1	Title	1-1
Section 1.2	Purpose	1-1
<b>ARTICLE 2:</b>	<b>GENERAL ADMINISTRATION, ENFORCEMENT, and PENALTIES</b>	<b>2-1</b>
Section 2.1	Purpose	2-1
Section 2.2	Zoning Permit Required	2-1
Section 2.3	Responsibility for Administration	2-1
Section 2.4	General Zoning Permit Application Procedures / Single and Two-Family Dwellings	2-2
Section 2.5	Zoning Permit Withholding, Revocation and Expiration	2-4
Section 2.6	Required Building Permit and Occupancy Permit	2-4
Section 2.7	Site Inspections	2-5
Section 2.8	Performance Guarantee	2-5
Section 2.9	Timely Action on Applications	2-6
Section 2.10	Application Fees	2-6
Section 2.11	Public Hearing Notices	2-7
Section 2.12	Violations, Penalties and Remedies	2-8
Section 2.13	Staff and Professional Assistance	2-8
<b>ARTICLE 3:</b>	<b>ZONING DISTRICTS, REGULATIONS and MAP</b>	<b>3-1</b>
Section 3.1	Purpose	3-1
Section 3.2	Establishment of Districts	3-1
Section 3.3	Zoning District Map	3-1
Section 3.4	Purposes of Zoning Districts	3-1
Section 3.5	Interpretation of District Boundaries	3-2
Section 3.6	Permitted Uses in Zoning Districts	3-2
Section 3.7	Site Development Requirements of Zoning Districts	3-3
Section 3.8	Special District Provisions	3-3

<b>ARTICLE 4:</b>	<b>PLANNED UNIT DEVELOPMENT (PUD) DISTRICT</b>	<b>4-1</b>
Section 4.1	Purpose	4-1
Section 4.2	PUD is a Separate District	4-1
Section 4.3	Minimum Eligibility Criteria	4-1
Section 4.4	Use and Design Standards	4-1
Section 4.5	Approval Standards	4-2
Section 4.6	Procedures for Review and Approval	4-2
Section 4.7	Phasing of Mixed Uses	4-3
<b>ARTICLE 5:</b>	<b>RESERVED for FUTURE USE</b>	<b>5-1</b>
<b>ARTICLE 6:</b>	<b>NONCONFORMING LOTS, USES and STRUCTURES</b>	<b>6-1</b>
Section 6.1	Purpose	6-1
Section 6.2	Nonconforming Lots	6-1
Section 6.3	Nonconforming Uses	6-1
Section 6.4	Nonconforming Structures	6-2
Section 6.5	District Changes	6-3
Section 6.6	Illegal Nonconformities	6-3
<b>ARTICLE 7:</b>	<b>RESERVED for FUTURE USE</b>	<b>7-1</b>
<b>ARTICLE 8:</b>	<b>SIGNS</b>	<b>8-1</b>
Section 8.1	Purpose	8-1
Section 8.2	Definitions	8-1
Section 8.3	Application and Permit Requirements	8-2
Section 8.4	Design and Construction Standards	8-3
Section 8.5	Nonconforming Signs	8-4
Section 8.6	Prohibited Signs	8-4
Section 8.7	Permitted Temporary Signs	8-6
Section 8.8	Permitted Permanent Signs	8-8
Section 8.9	Additional Provisions for Specific Signs	8-10
Section 8.10	Highway Advertising Signs	8-10
<b>ARTICLE 9:</b>	<b>OFF-STREET PARKING and LOADING</b>	<b>9-1</b>
Section 9.1	Purpose	9-1
Section 9.2	General Requirements	9-1
Section 9.3	Site Development Requirements for Off-Street Parking	9-2
Section 9.4	Parking Space Requirements	9-3
Section 9.5	Loading and Unloading Space Requirements	9-6
<b>ARTICLE 10:</b>	<b>LANDSCAPING and SCREENING</b>	<b>10-1</b>
Section 10.1	Purpose	10-1
Section 10.2	Uses Subject to This Article	10-1
Section 10.3	Landscape Plan Required	10-1
Section 10.4	Landscaping/Screening Buffer Areas	10-1
Section 10.5	Parking Lot Landscaping and Screening	10-2
Section 10.6	General Site Landscaping	10-2
Section 10.7	Minimum Standards of Landscape Elements	10-2
Section 10.8	Installation, Maintenance and Completion	10-3
Section 10.9	Modifications of Landscape and Screening Provisions	10-4
<b>ARTICLE 11:</b>	<b>ENVIRONMENTAL PROTECTION</b>	<b>11-1</b>
Section 11.1	Purpose	11-1
Section 11.2	Natural Resources – General	11-1
Section 11.3	Natural Resources – Buffer Areas	11-2
Section 11.4	Storm Water Management	11-3
Section 11.5	Potable Water and Sewage Disposal	11-4
Section 11.6	Vibration	11-4
Section 11.7	Glare and Heat	11-4
Section 11.8	Exterior Lighting	11-4
<b>ARTICLE 12:</b>	<b>ACCESS and PRIVATE ROADS</b>	<b>12-1</b>
Section 12.1	Purpose	12-1
Section 12.2	Lots to Have Access	12-1
Section 12.3	Driveways	12-1

Convis Township Zoning Ordinance

Section 12.4	Private Roads	12-2
<b>ARTICLE 13:</b>	<b>ADDITIONAL STANDARDS and REGULATIONS for SPECIFIC LAND USES</b>	<b>13-1</b>
Section 13.1	Purpose and Applicability	13-1
Section 13.2	Adult and Child Day Care Facility, Group Home	13-1
Section 13.3	Airports	13-1
Section 13.4	Private Landing Strips	13-2
Section 13.5	Bed and Breakfasts	13-2
Section 13.6	Day Care Centers	13-2
Section 13.7	Convalescent, Nursing Homes and Assisted Living Facilities	13-3
Section 13.8	Equestrian Centers	13-3
Section 13.9	Warehousing, Storage and Transfer Establishments, and Truck Terminals	13-4
Section 13.10	Junkyards	13-4
Section 13.11	Kennels	13-5
Section 13.12	Mini/Self Storage Facilities	13-5
Section 13.13	Contractor's Yard	13-6
Section 13.14	Motels and Hotels	13-6
Section 13.15	Open Air Businesses (On-site Sales of Vehicles, Landscape Supplies, Outdoor Furniture, and Similar Outdoor Sales)	13-6
Section 13.16	Multiple Family Developments	13-7
Section 13.17	Veterinarian Clinics	13-8
Section 13.18	Vehicle/Car Wash Establishments	13-8
Section 13.19	Vehicle Repair Shops and Service Stations	13-8
Section 13.20	Open Space Preservation Communities (OSPC)	13-9
Section 13.21	Recreation Facilities, Outdoor	13-11
Section 13.22	Extraction Operations	13-14
Section 13.23	Sexually Oriented Businesses	13-16
Section 13.24	Solar Energy Systems (SES)	13-20
Section 13.25	Wireless Communication Facilities	13-22
Section 13.26	Wind Energy Conversion Systems (WECS)	13-26
Section 13.27	Composting Facilities	13-36
<b>ARTICLE 14:</b>	<b>SITE PLAN REVIEW</b>	<b>14-1</b>
Section 14.1	Purpose	14-1
Section 14.2	Site Plan Approval Required	14-1
Section 14.3	Review Procedures	14-1
Section 14.4	Site Plan Approval Standards	14-5
Section 14.5	Conformity to Approved Site Plans	14-6
Section 14.6	Changes to Approved Site Plans	14-6
Section 14.7	Pre-Existing Site Plans Under Review	14-6
Section 14.8	Expiration of Site Plan Approval	14-6
<b>ARTICLE 15:</b>	<b>SPECIAL LAND USES</b>	<b>15-1</b>
Section 15.1	Purpose	15-1
Section 15.2	Review Procedure	15-1
Section 15.3	Changes	15-1
Section 15.4	Appeals	15-1
Section 15.5	Reapplication	15-2
Section 15.6	Approval Standards	15-2
Section 15.7	Expiration of Special Land Use Approval	15-2
<b>ARTICLE 16:</b>	<b>ZONING BOARD of APPEALS (ZBA)</b>	<b>16-1</b>
Section 16.1	Purpose	16-1
Section 16.2	Creation and Membership	16-1
Section 16.3	Organization	16-2
Section 16.4	Jurisdiction	16-2
Section 16.5	Appeals for Administrative Reviews	16-2
Section 16.6	Interpretations	16-3
Section 16.7	Variances	16-4
Section 16.8	Review by Circuit Court	16-5

<b>ARTICLE 17:</b>	<b>ZONING MAP and TEXT AMENDMENTS</b>	<b>17-1</b>
Section 17.1	Purpose	17-1
Section 17.2	Initiation of Amendments	17-1
Section 17.3	Procedures	17-1
Section 17.4	Conditional Rezoning	17-3
Section 17.5	Resubmittal	17-4
<b>ARTICLE 18:</b>	<b>RESERVED for FUTURE USE</b>	<b>18-1</b>
<b>ARTICLE 19:</b>	<b>RESERVED for FUTURE USE</b>	<b>19-1</b>
<b>ARTICLE 20:</b>	<b>SUPPLEMENTAL PROVISIONS</b>	<b>20-1</b>
Section 20.1	Purpose	20-1
Section 20.2	Conditional Approvals	20-1
Section 20.3	Moving Buildings	20-1
Section 20.4	Essential Services	20-1
Section 20.5	One Dwelling Unit / Principal Use Per Lot	20-1
Section 20.6	Single Family Dwelling Standards	20-2
Section 20.7	Temporary Dwellings	20-3
Section 20.8	Accessory Buildings	20-4
Section 20.9	Accessory Structures Not Constituting Buildings	20-5
Section 20.10	Home Occupations	20-5
Section 20.11	Fences and Walls	20-6
Section 20.12	Farm Markets (Roadside Stands)	20-7
Section 20.13	Outdoor Residential Swimming Pools	20-8
Section 20.14	Site Condominiums	20-8
Section 20.15	Clear Vision Zone	20-9
Section 20.16	Outdoor Furnaces	20-9
Section 20.17	Waterfront Access, Frontage, and Common Use Waterfront Lots	20-10
Section 20.18	Agricultural Labor Housing	20-11
Section 20.19	Shoreline Alterations	20-11
Section 20.20	Keeping of Animals as Accessory Residential Use	20-12
<b>ARTICLE 21:</b>	<b>DEFINITIONS</b>	<b>21-1</b>
Section 21.1	Construction of Language	21-1
Section 21.2	Definitions	21-1
<b>ARTICLE 22:</b>	<b>INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL and EFFECTIVE DATE</b>	<b>22-1</b>
Section 22.1	Interpretation	22-1
Section 22.2	Severability	22-1
Section 22.3	Vested Right	22-1
Section 22.4	Repeal	22-1
Section 22.5	Adoption and Effective Date	22-1

**End of Table of Contents**

**Convis Township  
County of Calhoun, State of Michigan**

**ORDINANCE NO. 2021-06-01  
ZONING ORDINANCE**

**An Ordinance enacted by Convis Township under Public Act 110 of 2006, the Michigan Zoning Enabling Act, as amended, to regulate the use and development of land and provide for the establishment of districts within which specified land use and development may occur including restrictions and requirements for structures, buildings, yards, and development densities, and to establish a permitting system to ensure reasonable review and authorization of land uses and development including the issuance of permits, appeals of decisions, and penalties for violations.**

**THE CONVIS TOWNSHIP BOARD ORDAINS:**

**Article 1  
TITLE and PURPOSE**

**Section 1.1 Title**

This Ordinance shall be known and cited as the Convis Township Zoning Ordinance.

**Section 1.2 Purpose**

- A.** It is the purpose of this Zoning Ordinance to:
1. Regulate the use of land and structures to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land in accordance with the land's character and adaptability.
  2. Ensure that the use of land is situated in appropriate locations and relationships.
  3. Limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities.
  4. Facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements.
  5. Promote public health, safety, and welfare including the conservation of property values and natural resources including wooded areas, wetlands, and water resources.
  6. Implement the goals, objectives and policies of the Convis Township Master Plan adopted pursuant to the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended.
  7. Advance all other purposes as authorized by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

**End of Article 1**



## Article 2 GENERAL ADMINISTRATION, ENFORCEMENT, and PENALTIES

### **Section 2.1 Purpose**

It is the purpose of this Article to provide for the administration and enforcement of this Ordinance, including the creation of a review and permit process. The primary permit process shall require the issuance of a Zoning Permit, which shall indicate that the uses and plans for which the permit is requested comply with this Ordinance. Upon the issuance of a zoning permit, the applicant may establish the use for which the zoning permit has been issued, including the erection of a building or structure, provided a building permit has been obtained from the building inspector demonstrating conformance to the requirements of the building code.

### **Section 2.2 Zoning Permit Required**

**A. When a Zoning Permit is Required:** Except as provided in subsection (C) below, none of the following shall occur until the Zoning Administrator has issued a zoning permit that shall signify the proposed activity conforms to the requirements of this Ordinance and, where required by state law, the building inspector certifies proposed structures and buildings comply with the building code through the issuance of a building permit:

1. Grading and excavation.
2. The erection, enlargement, alteration, movement or demolition of any wall, structure or building.
3. The use of any land or building or change in the use of any land or building, as delineated in the Permitted Uses tables of Article 3, including the conversion of an abandoned building to an active use.

**B. Zoning Permit Form / Approval:** A zoning permit shall be on a form established for such purpose and the completed form shall identify the specific use authorized, the drawings that graphically portray the proposed alterations and improvements to the property, and any conditions made part of such permit. No zoning permit shall be issued for any structure, building or use of land where the use, construction, addition, or alteration would be in violation of this Ordinance. The zoning permit may be part of a broader Township permit form that also addresses building code compliance under the State Construction Code. See Section 2.4 regarding application review procedures.

**C. Zoning Permit Exemption:** A zoning permit shall not be required for the following or as provided elsewhere in this Ordinance, but the following shall be subject to the standards and other requirements of this Ordinance and may require the issuance of a building permit:

1. Buildings and other structures that occupy a ground area of less than two hundred (200) sq. ft.
2. The alteration of any wall of any building provided no change is made to the location of an exterior wall.
3. The repair and/or replacement of exterior building features such as siding, roofing, windows and similar features, provided such modifications comply with any previously issued permits.
4. Fences and walls located on a lot used for single-family or two-family dwelling purposes, or erected for the purpose of confining livestock part of an agricultural operation.
5. Grading and/or excavation in association with ground care, landscaping or agricultural field contouring, and driveway construction for a driveway serving one (1) dwelling unit only.
6. Within Agricultural Districts only, any grading and/or excavation not otherwise included in subsection (5).

### **Section 2.3 Responsibility for Administration**

**A. General Administration:** The administration and enforcement of this Ordinance shall be the responsibility of the Township Board, Planning Commission, Zoning Board of Appeals, and such personnel as designated by the Township Board in accordance with P.A. 110 of 2006, as amended, and this Ordinance. The Township Board shall appoint a Zoning Administrator who shall act as an officer in the administration and enforcement of this Ordinance. The Zoning Administrator may simultaneously serve as the Building Inspector.

**B. Duties of the Zoning Administrator:** Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. The Zoning Administrator shall perform the duties specified in this Ordinance including, at a minimum:

1. Provision of Application Forms: The Zoning Administrator shall make available administration forms as necessary for the efficient and comprehensive administration of this Ordinance.
2. Review Applications: The Zoning Administrator shall undertake and/or assist in the review of zoning permit applications and other applications made under this Ordinance as may be requested, including applications for plot plans, site plans, special land use approvals, amendments and variances.

3. Issue Zoning Permits: The Zoning Administrator shall issue zoning permits and other approvals when all provisions of this Ordinance have been met and the necessary approval has been granted by the designated body or official, including in association with plot plans, site plans, special land uses and variances. Prior to the Building Inspector's issuance of a certificate of occupancy, the Zoning Administrator shall confirm to the Building Inspector that all site modifications authorized by the Zoning Permit have been completed in conformance with the issued zoning permit.
4. Issue Zoning Permit Denials: The Zoning Administrator shall issue zoning permit denial correspondences, notifying an applicant of such action and the basis for the denial.
5. File of Applications: The Zoning Administrator shall maintain files of all applications submitted under this Ordinance, actions on such applications, and any performance guarantees associated with permits.
6. Inspections and Violations: The Zoning Administrator shall investigate or assist in the investigation and resolution of violations of this Ordinance including inspections to investigate, monitor and ensure conformance with this Ordinance. The Zoning Administrator is authorized to issue notice of violations and municipal civil infraction citations pursuant to Section 2.12.
7. Record of Complaints: The Zoning Administrator shall maintain a record of any complaint of a violation of this Ordinance and of the action taken consequent to each complaint.
8. Maintain a Record of Official Ordinance Interpretations: The Zoning Administrator shall keep a record of any official interpretation of any aspect of this Ordinance rendered by the Zoning Board of Appeals according to Article 16.
9. Disburse Public Information: The Zoning Administrator shall make available to officials and the public copies of this Ordinance as the need may arise or as may be requested, and provide other Ordinance information as the need or requests may arise.
10. Reports/Meetings: The Zoning Administrator shall report to the Planning Commission, Zoning Board of Appeals, and Township Board, about activities pertaining to the issuance of permits, complaints of violation, actions taken on such complaints, and other Ordinance administrative and enforcement matters as may arise. The Zoning Administrator shall attend meetings of the Planning Commission, Zoning Board of Appeals, and Township Board, as may be requested.

## **Section 2.4 General Zoning Permit Application Procedures / Single and Two-Family Dwellings**

**A. General Application and Review Procedures:** An application for a zoning permit shall be available from the Zoning Administrator. Upon approval of the application, which is to include, at a minimum, the application form and all required supporting data and documents including a plot plan or site plan, a zoning permit shall be issued.

1. Agricultural Buildings, Single-Family Dwellings and Two-Family Dwellings: Whenever the Zoning Administrator determines an application for an agricultural building, single-family dwelling or two-family dwelling, and accessory uses and structures thereto, is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the zoning permit. See Section 2.4(B).
2. Buildings and Structures Not Associated with Single-Family or Two-Family Dwellings: Zoning permit applications for uses, buildings and structures not associated with a single-family or two-family dwelling shall be issued by the Zoning Administrator upon completion of the approval process specific to the application in question.
3. Plot Plan / Site Plan: An application for a zoning permit shall include the submittal of a plot plan or site plan. An application for agricultural buildings, single family dwellings, and two-family dwellings, and accessory structures thereto, shall include the submittal of a plot plan according to subsection (B) below. A site plan shall be required for all other uses, structures and buildings and shall be prepared according to Article 14 (Site Plan Review) unless provided otherwise by this Ordinance.
4. Special Land Uses: In addition to meeting the site plan requirements of Article 14, a zoning permit application for a use classified as a "special land use" according to the Permitted Uses tables of Article 3, or elsewhere in this Ordinance, shall be processed according to the provisions of Article 15 (Special Land Uses), which requires Township Board action after receipt of a Planning Commission recommendation.
5. Variances: Where the approval of a variance by the Zoning Board of Appeals pursuant to Article 16 is necessary for the approval of a proposed plot plan or site plan, no such plot plan or site plan shall be acted upon by the Zoning Administrator, Planning Commission or Township Board, nor shall such project be issued a zoning permit, until a variance request is filed with the Zoning Board of Appeals (ZBA) and the ZBA has acted upon such variance request.
6. Incomplete Applications: If zoning permit application materials are not administratively complete when received by the body that is to take action on the application, the body may deny such application or otherwise delay action on the application until it is made complete in a readily comprehensible manner.

7. Performance Guarantees: A performance guarantee may be required as a condition to the issuance of a permit in order to ensure conformance with the requirements of this Ordinance, according to Sec. 2.8.
8. Permit Refusal in Writing: In any case where a zoning permit or other approval requested under this Ordinance is refused, the reasons shall be provided to the applicant in writing by the Zoning Administrator. Such notification may include a copy of the meeting minutes and denial motion containing such reasons.

**B. Agricultural Buildings, Single-Family and Two-Family Dwellings, and Plot Plan Approval**

1. Application: Application for a zoning permit for agricultural buildings, single family dwellings and two-family dwellings, including alterations and accessory structures and buildings thereto, shall be submitted to the Zoning Administrator on a form for that purpose. See Section 2.2(C) for exceptions. The zoning permit application form may be part of a permit application form that also addresses building code compliance under the State Building Code. Three (3) copies of all application materials shall be submitted and shall consist of:
  - a. The completed application form.
  - b. An accurate, readable, drawing(s) of scale not less than 1" = 50', constituting a plot plan, which presents:
    - 1) Name, address and telephone number of the applicant (and owner if different).
    - 2) A scaled property line survey drawing showing lot lines, dimensions, bearings, lot area, legal description; the delineation of existing building footprints and other structures, driveways, and parking areas; the distances of buildings and structures from lot lines; and an arrow pointing north.
      - a) The Zoning Administrator may require the survey drawing to be prepared by a Michigan-licensed surveyor and certified according to Public Act 299 of 1980, as amended, in the case where a more detailed or official delineation of property lines and structures is necessary to ensure compliance with this Ordinance.
    - 3) The location, height, footprint and scaled floor plans of proposed structures to be erected, altered, or moved on the lot.
    - 4) Proposed distances of buildings and structures from lot lines.
    - 5) A description of proposed use(s) of the building(s), land and structures.
    - 6) Configuration of the driveway and parking areas.
    - 7) Existing public and private right-of-ways and easements.
    - 8) Existing and/or proposed location of septic drain field and potable water well.
    - 9) In the case of a corner lot, the designated side and rear yard.
    - 10) Any other information deemed necessary to determine Ordinance compliance and provide for the enforcement of the Ordinance, such as wetland permits, soil and erosion control permits, and health department permits including permits for the addition of habitable space to an existing dwelling.
2. Same Form for Zoning Permit/Building Permit Application: In the case where the zoning permit application form may be part of a permit application form that also addresses building code compliance under the State Building Code, the above required information in subsection (1) shall be supplemented with required building permit information.
3. Application Review: The Zoning Administrator shall review a zoning permit application and determine its conformity with the provisions of this Ordinance.
4. Action on Application: After conducting a review, the Zoning Administrator shall deny, approve, or conditionally approve the application as it pertains to requirements and standards contained in this Ordinance. The applicant shall be notified in writing of the Zoning Administrator's action on the application including any conditions associated with an approval. The decision by the Zoning Administrator shall be made within fifteen (15) days of the receipt of a complete application including copies of all required county, state and federal applications and permits. A plot plan shall be approved if it contains the information required by and is in compliance with this Ordinance.
5. Approved Plot Plans: At least two (2) copies of an approved application, with any conditions contained within, shall be maintained as part of the Township records. A third copy shall be returned to the applicant. Each copy of the approved plans shall be signed and dated with the date of approval by the Zoning Administrator. If any variances from this Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the application and delivered to the applicant.
6. Plot Plan Changes: The Zoning Administrator shall review and act on proposed changes to an approved plot plan in the same manner as described by this subsection (B).

## **Section 2.5 Zoning Permit Withholding, Revocation and Expiration**

**A. Withholding Permit:** A designated approving body may withhold approval of an application pending verification that an applicant has received required county, state or federal permits including county health department wastewater disposal permits and potable water system permits, county soil erosion control and storm water management permits, county road department driveway location permits, and state wetland permits. Similarly, such body may condition its approval of the requested application on the receipt of such permits.

**B. Revocation:** A body that grants approval of a permit or application under this Ordinance may revoke or cancel such approval in the case of failure or neglect to comply with this Ordinance, or in the case of any false statement or misrepresentation in the application. The Zoning Administrator may issue a stop work order to halt all construction activities and/or use of the premises pending a revocation decision.

### **C. Expiration of Permit:**

1. **Permit Expiration Period:** A zoning permit, including the approved plot plan or site plan upon which the permit is based and including in the case of a Special Land Use, shall expire after one (1) year from the date of granting such permit unless excavations for foundations shall have been completed.
  - a. Where a zoning permit does not provide for an immediate building or structure, such as in the case of a platted subdivision or site condominium, such permit shall become null and void after one (1) year from the date of granting such permit unless the clearing, preliminary grading, and survey staking of roads shall have been completed within such time. Such permit shall become null and void after two (2) years from the date of granting such permit unless the construction of utilities and roads have been substantially completed.
2. **Extension of Permit Expiration Period:** The body that approved a zoning permit may waive or extend the period of time in which the permit is to expire, for multiple periods with each period not to exceed one (1) year, if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction and even though the permit and plot/site plan may not comply with the most current standards of this Ordinance due to amendments since the issuance of the permit. In the case of a multi-phased project, the expiration of a zoning permit for a specific phase shall similarly result in the expiration of all zoning permits previously granted for subsequent phases.
  - a. In the case where the original zoning permit is to expire more than three (3) years following the initial issuance of the permit, no further extension shall be granted unless the body that approved the permit finds that surrounding conditions and land uses, and the most current standards of this Ordinance, continue to support the adequacy of the plot/site plan, and the owner or developer is maintaining a good faith intention to proceed with construction.
3. **Reapplication:** Should a zoning permit expire, such use, building and/or activity shall not be initiated or continued except upon reapplication, subject to the provisions of all ordinances in effect at the time of reapplication. Upon expiration of the zoning permit, failure to terminate the use for which the permit was issued is declared to be a nuisance per se and a violation of this Ordinance.

## **Section 2.6 Required Building Permit and Occupancy Permit**

**A. Building Permit:** No grading, excavation, or construction shall be initiated prior to the issuance of a zoning permit and, where required by state law, the Building Inspector certifies proposed structures and buildings comply with the Building Code through the issuance of a Building Permit. The Township may rely on a single application approval form or certificate for the approval of a project under both this Ordinance and the State Construction Code.

**B. Occupancy Permit:** No structure shall be occupied and no use shall be operated, in whole or in part, prior to the issuance of a certificate of occupancy by the Building Inspector, certifying the structure meets the requirements of the Building Code.

## **Section 2.7 Site Inspections**

**A. Inspections Authorized:** The Zoning Administrator shall have the authority to make inspections of premises, upon request at reasonable times, for the purposes of verifying information on an application, monitoring conformance with the regulations and standards of this Ordinance, and for any other purpose associated with responsibilities of the Zoning Administrator granted by this Ordinance. No person shall interfere with the Zoning Administrator in the discharge of his/her duties. The Zoning Administrator may seek an administrative search warrant in the event a property owner refuses access to a property in order to make an inspection. The Township may contract with other entities for assistance in inspections and determining the extent to which site modifications were completed in conformance with a zoning permit and this Ordinance, including road construction, grading and storm water systems. Such inspection fees shall be paid by the applicant prior to the issuance of a certificate of occupancy by the building inspector.

1. Rejection of an Application: If an applicant refuses access to the Zoning Administrator to property that is the subject of a current application, the Zoning Administrator may return the application as incomplete.

### **B. Required Inspections:**

1. Zoning Administrator / Building Foundation Staking: No construction shall be continued beyond the staking of proposed foundations until the Zoning Administrator has approved in writing such staking, upon finding that the staked foundation walls are in compliance with the approved plot plan or site plan.
2. Zoning Administrator / Project Completion: No use shall become operational and no building shall be occupied prior to a final inspection by the Zoning Administrator and certification to the Building Inspector that all proposed site modifications are in compliance with this Ordinance and the zoning permit.
3. Building Inspector / Construction Code: No construction shall be continued beyond any point where, prior to such construction, a site inspection is required by the Building Inspector according to the Building Code including inspections required after footings and foundation forms are in place prior to the pouring of concrete, and inspections required prior to the covering of structural members.
4. Permit Holder Responsibility: It shall be the responsibility of the holder of a zoning permit and/or building permit to contact the Zoning Administrator or Building Inspector, as applicable, to schedule required inspections.

## **Section 2.8 Performance Guarantee**

**A. Authority, Purpose, and Timing:** To ensure compliance with this Ordinance and any conditions imposed under this Ordinance, the designated approving body for an application may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the Township and covering the estimated cost of improvements, be deposited with the Township Treasurer to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the zoning permit authorizing the activity or project. The Township may not require the deposit of the performance guarantee until it is prepared to issue the zoning permit. This section shall not be applicable to single family and two-family dwellings or improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited under the Land Division Act, Public Act 288 of 1967, as amended.

**B. Improvements Covered:** Improvements that shall be covered by the performance guarantee include those features of a project that are considered necessary by the body or official granting approval to protect natural resources or the health, safety and welfare of residents of the Township and future users or inhabitants of the proposed project area including roads, lighting, utilities, sidewalks, screening and drainage.

**C. Return of Performance Guarantee:** For the return of a performance guarantee or portion thereof, the applicant shall send written notice to the Zoning Administrator of completion of said improvements or compliance with conditions. The Zoning Administrator shall inspect the improvements and transmit a recommendation to the Township Board with a statement of the reasons for any recommended denial of the return of the performance guarantee or portion thereof. The Township Board shall approve, partially approve or deny the return of the performance guarantee request and shall notify the applicant in writing of the action of the Township Board within a reasonable time after receipt of the notice from the applicant of the completion of such improvements. Where approval or partial approval is granted, the Township Treasurer shall release the approved payment to the applicant. The portion of the performance guarantee to be returned shall be proportional to the work completed.

1. Lack of Full Completion: Should installation of improvements fail to meet full completion based on the approved permit application, the Township may complete the necessary improvements itself or by contract to an independent contractor, and assess all costs of completing the improvements against the performance guarantee. Any balance remaining shall be returned to the applicant. The township may withhold a performance guarantee for permits requiring compliance with ongoing conditions.

## **Section 2.9 Timely Action on Applications**

**A. General Intent:** All approvals applied for under this Ordinance shall be acted upon in a timely manner. However, in no case shall the matter of a timely decision undermine the intent of this Ordinance that all requested approvals undergo the necessary and adequate review to ensure all requirements and standards have been met and the public health, safety and welfare is preserved.

**B. Specific Guidelines:** The following time provisions shall apply unless provided otherwise by this Ordinance or special circumstances arise such as delays associated with the acquisition of county, state or federal permits or the submittal of an incomplete application. The prescribed review periods require that an application must be received by the Zoning Administrator at least thirty (30) days prior to the meeting when the reviewing body would normally begin deliberation on such application and, if submitted within a lesser time, the reviewing body may delay initiating deliberations until its next regularly scheduled meeting or special meeting called for the purpose of deliberating said application.

1. Applications Requiring Zoning Administrator Action: The Zoning Administrator shall make every reasonable effort to take action on a complete application for a zoning permit for an agricultural building, single-family dwelling or two-family dwelling, or an accessory structure or use thereto, within thirty (30) days of the submittal of the complete application unless special conditions arise that necessitate additional time.
2. Applications Requiring Planning Commission, Township Board, or Zoning Board of Appeals (ZBA) Action: The Planning Commission, Township Board, and ZBA shall make every reasonable effort to take action on a complete application that comes before such body within ninety (90) days of the application coming before such body, unless special conditions arise that necessitate additional time.

## **Section 2.10 Application Fees**

**A. Application Fees Required:** Fees for the administration and review of development proposals, rezoning requests, actions before the Zoning Board of Appeals, applications to the Planning Commission and Township Board, inspections and the issuance of permits required under this Ordinance shall be deposited with the Zoning Administrator in advance of processing any application or request. The amount of such fees shall be established by the Township Board and may be revised from time to time. Such fees shall be limited to covering actual costs incurred by the Township including costs associated with conducting meetings and inspections, public notices, postage, photocopying, staff time, mileage, and professional assistance.

**B. Professional Review and Fee:** For any application for a zoning permit, variance, or other approval under this Ordinance, the Township Board or other reviewing body may also require the payment of a professional review fee when professional assistance is desired before a decision is made, due to the character or complexity of the proposal or concern over the potential impacts of the project. The applicant is entitled to a refund of any unused professional review fee and if actual professional review costs exceed the amount of the fee, the applicant shall pay the balance due prior to final action on such application. The applicant shall receive a copy of any professional review report.

*(Balance of Page Blank)*

## **Section 2.11 Public Hearing Notices**

**A. Hearing Notice Content:** Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall do the following:

1. Describe the nature of the request including whether the request is for a text amendment, zoning map amendment (rezoning), special land use, variance, appeal, ordinance interpretation or other purpose.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
3. Indicate the date, time and place of the hearing(s).
4. Indicate when and where written comments will be received concerning the request.

**B. Recipients and Means of Notice:** Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, the following shall receive notice of the hearing, which notice shall include the information specified in (A) above.

1. To the general public, by publication of the hearing notice in a newspaper of general circulation in the Township.
2. To the owners of property for which approval is being considered, and the applicant if the applicant is different than the property owner, by mail or personal delivery.
3. To all persons to whom real property is assessed within 300 feet of the boundary of the project subject to the request, and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located in Convis Township, by mail or personal delivery. If the name of the occupant is not known, the term "occupant" may be used in making notification.
  - a. Subsection (3) above shall not apply in the case of rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property.
  - b. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, a single notice may be given to the manager or owner of the structure and such person shall be requested to post the notice at the primary entrance to the structure.
4. To each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing, by mail. Such notifications need only be provided in the case of text amendments or zoning map amendments to this Ordinance.
5. To any neighborhood organization that registers its name and mailing address with the Township Clerk for the purpose of receiving all or specific notices of public hearings, by mail. Such requests must be renewed every two (2) years to maintain hearing notifications. Fees may be assessed by the Township Board for the provision of these notifications.

**C. Timing of Notice and Determination of Notice Given:** Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall be made not less than fifteen (15) days before the date the request will be considered, including applications for zoning map amendments (rezonings), text amendments, special land uses, variances, administrative appeals and ordinance interpretations. The notice under subsection (B) shall be considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service.

## **Section 2.12 Violations, Penalties and Remedies**

### **A. Violations are a Nuisance Per Se:**

1. **Activity/Use:** Any activity or use of land which is commenced or conducted, or any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained, or changed, in violation of any provision of this Ordinance is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.
2. **Persons:** Any person who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit or other approval granted hereunder, or any lawful order or determination of the Township Board, Planning Commission, Zoning Board of Appeals, Building Inspector, Zoning Administrator, Zoning Enforcement Officer or any authorized deputy sheriff, issued pursuant to this Ordinance, shall be in violation of this Ordinance and is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.

### **B. Violations Are Municipal Civil Infractions / Penalties**

1. A violation of this Ordinance is punishable as a Class D municipal civil infraction as defined by the Convis Township Municipal Civil Infractions Ordinance, Ordinance 2004-09-01, and shall be punishable by a civil fine in accordance with the Convis Township Municipal Civil Infractions Ordinance, Ordinance 2004-09-01, and shall be punishable by a civil fine in accordance with that Ordinance.
2. Each and every day that the same violation of this Ordinance exists on the same lot shall be deemed a separate offense.

**C. Procedures:** The issuance of a civil infraction citation for a municipal civil infraction shall be in accordance with the Convis Township Municipal Civil Infractions Ordinance, Ordinance 2004-09-01, as amended.

**D. Other Remedies:** In addition to issuance of a municipal civil infraction citation, the Township may also commence and enforce an action in a court of competent jurisdiction seeking injunctive, declaratory or other equitable relief to enforce or interpret any provision of this Ordinance, to require abatement of a violation and to seek such other relief as may be provided by law.

## **Section 2.13 Staff and Professional Assistance**

As part of the review of any application under this Ordinance, the reviewing body may seek the assistance of Township staff and professionals with appropriate expertise including attorneys, planners and engineers. Costs incurred for such services shall be paid by the applicant according to the schedule of fees adopted by the Township Board.

**End of Article 2**



## Article 3 ZONING DISTRICTS, REGULATIONS, and MAP

### **Section 3.1 Purpose**

It is the purpose of this Article to establish the zoning districts into which the Township is hereby divided, to establish an Official Zoning Map that delineates the boundaries of the zoning districts, to identify the uses permitted in each district, and to establish basic site development standards for each District.

### **Section 3.2 Establishment of Districts**

For the purpose of this Ordinance, the Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names, and shall have boundaries as delineated on the Official Zoning Map.

#### Agricultural/Conservation Districts

NRP	Natural Resources Protection District
A-R	Agricultural-Residential District

#### Residential Districts

R-1	Low Density Residential District
R-2	Medium Density Residential District
R-3	High Density Residential District
R-MHC	Manufactured Housing Community District
R-MF	Multiple Family Residential District

#### Commercial Districts

C-1	Local Commercial District
C-2	General Commercial District
C-3	Rural Commercial District

#### Industrial Districts

I-1	Light Industrial District
-----	---------------------------

#### Other Districts

PUD	Planned Unit Development District
-----	-----------------------------------

### **Section 3.3 Zoning District Map**

**A.** The boundaries of the respective Districts enumerated in Section 3.2 are defined and established as depicted on the Official Zoning Map entitled CONVIS TOWNSHIP ZONING MAP, which is an integral part of this Ordinance. This map, with all notations and explanatory matter thereon, shall be published as part of this Ordinance as if fully described herein.

**B.** This Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following: *This is to certify that this is the Official Zoning Map of the Convis Township Zoning Ordinance adopted on the 8th day of June, 2021.* If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map.

**C.** The Official Zoning Map shall be located at the official office of the Township and shall be the final authority with regard to the current zoning status of all land in the Township, along with supporting minutes of Township Board meetings regarding zoning district changes, regardless of the existence of copies of the Official Zoning Map which may be made and from time to time.

### **Section 3.4 Purposes of Zoning Districts**

See Table 3-1.

### **Section 3.5 Interpretation of District Boundaries**

**A.** Where, due to the scale, lack of details, or illegibility of the Official Zoning Map, there is an uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, to the Zoning Board of Appeals. The Zoning Board of Appeals shall apply the following standards in arriving at a decision on such matters:

1. Boundaries indicated as approximately following roads or highways shall be construed as following the center lines of said roads or highways.
2. Boundaries indicated as approximately following section lines, quarter section lines, quarter-quarter section lines, or lot lines shall be construed as following such lines.
3. Boundaries indicated as approximately following Township boundary lines shall be construed as following such boundary lines.
4. Boundaries approximately parallel to the center lines of roads or highways shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Official Zoning Map.
5. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines. In the event of a change in the shoreline, the boundary shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, canals, or other water courses shall be construed to follow such centerlines.
6. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern. The "more restrictive district" shall be the district that places greater restrictions on development based on such factors as the intensity of authorized uses and the site development standards of Table 3-4.

### **Section 3.6 Permitted Uses in Zoning Districts**

**A. Compliance with Zoning Regulations:** Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure, and every enlargement of, or addition to an existing use, building and structure, occurring after the effective date of this Ordinance, shall be subject to all regulations of this Ordinance that are applicable in the District in which such use, building, or structure shall be located. Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent.

**B. Principal Uses Permitted in Each Zoning District:** Tables 3-2 and 3-3 of Article 3 identify the principal land uses permitted in each of the districts enumerated in Section 3.2. No principal land use shall be established on a lot except in conformance with Tables 3-2 and 3-3. In order to ensure all possible benefits and protection for the districts in this Ordinance, the Tables delineate whether a land use permitted in a particular district is a "Use Permitted by Right" or a "Special Land Use."

1. Uses Permitted by Right: Uses permitted by right are the primary uses and structures specified for which the District has been established, and are subject to plot plan or site plan approval except where provided otherwise. Irrespective of Tables 3-2 and 3-3, a use customarily incidental and subordinate to a use permitted by right, and commonly construed as an accessory use as provide in subsection (C), may be established on a lot as a use permitted by right.
2. Special Land Uses: Special land uses are uses and structures that have been generally accepted as reasonably compatible with the "uses permitted by right" in the District, but could present potential injurious effects upon such primary uses and structures within the District or are otherwise unique in character and therefore require special consideration in relation to the welfare of adjacent properties and to the Township as a whole. Special land uses shall be subject to a public hearing and site plan approval. See Article 15, Special Land Uses.

**C. Accessory Uses Permitted in Each Zoning District:** Unless otherwise specified in this Ordinance, accessory uses that are clearly incidental to and customarily associated with the principal use of the property are permitted in all Districts and shall conform to all applicable standards of this Ordinance. Examples of such accessory uses include household gardening in association with a dwelling, the use of a building for storage in association with a dwelling including maintaining livestock according to Sec. 20.20, the repair of vehicles in association with an authorized vehicle dealership, and a parking lot in association with an office building. Except in the case of an approved home occupation or as may be expressly authorized elsewhere in this Ordinance, in no case shall retail sales, the repair or the servicing of items, or other commercial or industrial activity, be construed as an authorized accessory use to the principal residential use of a lot.

**D. Prohibited Uses:**

1. Use Not Listed is Prohibited: Any use of land not specifically permitted is prohibited, including any use of land not specifically identified in Tables 3-2 and 3-3. The Planning Commission may be petitioned to initiate an amendment to the Ordinance to authorize an otherwise prohibited use and the standards that will apply for that use. If the Township Board adopts such an amendment according to Article 17, then an application can be submitted for that use.
2. Non-Compliance with Local, County, State or Federal Law: No use shall be authorized or permitted that is not in compliance with all local, county, state and federal laws, rules and regulations.

**Section 3.7 Site Development Requirements of Zoning Districts**

**A.** All land uses shall comply with the site development requirements of the District in which it is located, as delineated in Table 3-4 of Article 3, in addition to all other applicable site development provisions of this Ordinance including:

1. Article 8: Signs
2. Article 9: Off-Street Parking and Loading
3. Article 10: Landscaping and Screening
4. Article 11: Environmental Protection
5. Article 12: Access and Private Roads
6. Article 13: Additional Standards and Regulations for Specific Land Uses
7. Article 20: Supplemental Provisions.

**B.** No part of a setback area, yard, or other open space required about or in connection with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a setback area, yard, or other open space similarly required for any other use, building or structure.

**C.** No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein, including lot area and lot width.

**D.** No portion of one lot shall be used in the creation of another lot unless each lot resulting from any modifications or sale shall conform to the requirements of this Ordinance.

**E.** Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, the provisions of such law or ordinance shall govern.

**Section 3.8 Special District Provisions**

**A. A-R District Restrictions on Number of Permitted Lots:** No lot, as defined by this Ordinance, shall be created in the A-R District except in conformance with the division restrictions of Sec. 108 and 109 of the Land Division Act, Public Act 288 of 167 as amended, irrespective of whether such lot is created by a "division" under the Land Division Act, or created by a plat under the Land Division Act, or created by a condominium subdivision under the Condominium Act. For the purpose of this Section and for clarification purposes, all splitting of land in the A-R District shall be construed as a division under the Land Division Act for the determination of the extent to which land may be divided to create new lots, and such dividing shall be subject to the restrictions of Sec. 108 for such dividing. For clarification purposes, the splitting of land by plat or condominium subdivision shall be construed as divisions under the Land Division Act.

**B. Manufactured Housing Community District (R-MHC)**

1. Preliminary Plan: Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Manufactured Housing Commission Act, a preliminary plan shall be submitted to the Township for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans. In preparing the preliminary plan and when reviewing the plan, the developer and Planning Commission shall generally follow the procedures and requirements in Article 14 of this Ordinance, except where said procedures and requirements are superseded by the requirements in P.A. 96 of 1987, as amended, or the Manufactured Housing Commission Rules. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Planning Commission shall take action on the preliminary plan within sixty (60) days after the Township receives the preliminary plan.

2. Site Development Standards: All manufactured housing communities shall be constructed and maintained in accordance with P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Manufactured Housing Commission pursuant to the authority vested in the Manufactured Housing Commission by such Act. The construction of a manufactured housing community shall not be initiated, nor shall a manufactured housing community be inhabited or operated until all necessary permits have been acquired from the Michigan Department of Licensing and Regulatory Affairs and all other agencies pursuant to the Manufactured Housing Commission Act.

*(Balance of Page Blank)*

*(This Page Blank)*

**Table 3-1  
PURPOSES of ZONING DISTRICTS**

Table 3-1 identifies the principal purposes of the Districts of this Ordinance.

DISTRICTS	PURPOSE
<b><i>ALL DISTRICTS (except where provided otherwise)</i></b>	
<p style="text-align: center;"><b>All Districts</b></p>	<ol style="list-style-type: none"> <li>1) Uses shall protect environmental resources including wetlands, woodlands and water courses to the extent practical and feasible.</li> <li>2) Districts shall be located in coordination with the Convis Township Master Plan.</li> <li>3) Uses shall minimize negative impacts on surrounding land uses.</li> <li>4) Commercial, industrial and other non-residential uses are to complement the community's character through appropriate architectural design and building scale, building materials, setbacks, signage, landscaping, buffering, open spaces and lighting.</li> <li>5) Uses shall facilitate safe/efficient vehicular and non-motorized travel.</li> <li>6) Uses shall be served by adequate facilities and services including sewage disposal, potable water, fire protection, and roads.</li> <li>7) Additional and more specific purposes of each District are delineated below.</li> </ol>
<b><i>AGRICULTURAL / CONSERVATION DISTRICTS</i></b>	
<p style="text-align: center;"><b>A-R Agricultural Residential</b></p> <p style="text-align: center;"><b>NRP Natural Resource Protection</b></p>	<ol style="list-style-type: none"> <li>1) A-R District: <ul style="list-style-type: none"> <li>• Provide opportunities for and encourage agriculture.</li> <li>• Retain land areas that are well suited for production of plants and animals useful to humans, due to soil, topographic and other conditions, or which support nearby agricultural operations such as wetlands and woodland stands.</li> <li>• Limit residential encroachment in recognition of the enhanced viability of long-term commercial agriculture and other agriculturally related uses.</li> </ul> </li> <li>2) NRP District: Protect the more expansive areas of wetlands in recognition of their importance to the Township, the State of Michigan, and the nation, including in association with wildlife habitats, water and air purification, flood control, and recreation opportunities, and limit uses that could undermine the environmental benefits of such wetlands.</li> <li>3) See also the "All Districts" purpose statement above.</li> </ol>
<b><i>RESIDENTIAL DISTRICTS</i></b>	
<p style="text-align: center;"><b>R-1 Low Density Residential</b></p> <p style="text-align: center;"><b>R-2 Medium Density Residential</b></p> <p style="text-align: center;"><b>R-3 High Density Residential</b></p>	<ol style="list-style-type: none"> <li>1) Provide opportunities for single and/or two-family residences of incrementally decreasing lot sizes and increasing density, to accommodate varying rural, suburban and urban lifestyles.</li> <li>2) Meet the varied housing needs and preferences of current and future residents.</li> <li>3) Ensure a healthy residential environment including adequate opportunities for open space, light, air circulation, emergency access, and access to necessary public services.</li> <li>4) See also the "All Districts" purpose statement above.</li> </ol>
<p style="text-align: center;"><b>R-MF Multiple Family</b></p>	<ol style="list-style-type: none"> <li>1) Provide opportunities for apartment, townhouse and similar multiple family development housing to meet the varied housing needs and preferences of current and future residents.</li> <li>2) See also the "All Districts" purpose statement above.</li> </ol>
<p style="text-align: center;"><b>R-MHC Manufactured Housing Community</b></p>	<ol style="list-style-type: none"> <li>1) Provide opportunities for manufactured housing communities to meet the varied housing needs and preferences of current and future residents.</li> <li>2) See also the "All Districts" purpose statement above.</li> </ol>

Table 3-1 continued on next page.

DISTRICTS	PURPOSE
<b><u>COMMERCIAL DISTRICTS</u></b>	
<p><b>C-1 Local Commercial</b></p> <p><b>C-2 General Commercial</b></p> <p><b>C-3 Rural Commercial</b></p>	<ol style="list-style-type: none"> <li>1) In the case of the C-1 District, to provide opportunities for comparatively small commercial uses that primarily address the local day-to-day retail, office and service needs of Township residents and visitors, in a planned unified and integrated grouping.</li> <li>2) In the case of the C-2 District, to provide opportunities for commercial uses that primarily address the local day-to-day retail and service needs of Township residents and visitors, and those of a more regional population including the highway traveler in a planned unified and integrated grouping.</li> <li>3) In the case of the C-3 District, to provide opportunities for comparatively small commercial uses that primarily address the local day-to-day retail and service needs of Township residents and visitors, within the more planned agricultural and rural residential areas of the Township and in a manner that minimizes the presence of and impacts on surrounding uses.</li> <li>4) Facilitate safe, convenient, and efficient pedestrian and other non-motorized modes of travel within the development including linkages to neighboring commercial uses.</li> <li>5) Facilitate development that compliments the intended character of the Township through appropriate architectural design and building scale, building materials, setbacks, signage, landscaping, buffering, open spaces and lighting.</li> <li>6) Safe and efficient vehicular and non-motorized circulation.</li> <li>7) See also the “All Districts” purpose statement above.</li> </ol>
<b><u>INDUSTRIAL DISTRICTS</u></b>	
<p><b>I-1 Industrial Light</b></p>	<ol style="list-style-type: none"> <li>1) Provide for a variety of manufacturing and other industrial uses that can be generally characterized as being of low intensity including comparatively small building sizes, limited public services demands, and the absence of objectionable external affects.</li> <li>2) Facilitate development that complements the intended character of the Township through appropriate architectural design and building scale, building materials, setbacks, signage, landscaping, buffering, open spaces and lighting.</li> <li>3) See also the “All Districts” purpose statement above.</li> </ol>
<b><u>OTHER DISTRICTS</u></b>	
<p><b>PUD Planned Unit Development</b></p>	<p>See Section 4.1, Planned Unit Development (PUD) District.</p>

End of Table 3-1

**Table 3-2  
Permitted Principal Uses in the  
A-R, R-1, R-2, R-3, R-MF, R-MHC and NRP Districts<sup>1,2,3</sup>**

See Sec. 3.6(C) regarding accessory uses.  
See Sec. 20.8 regarding accessory buildings.  
See Sec. 20.9 regarding accessory structures.

**BR = Use Permitted By Right<sup>1,2,3</sup>    S = Special Land Use<sup>1,2,3</sup>    – = Prohibited Use**

PRINCIPAL USES <sup>1,2</sup>		ZONING DISTRICTS					
		A-R	R-1	R-2 R-3	R-MF	R- MHC	NRP
<b>Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character<sup>1,2,3</sup></b>							
1	Agriculture and hunt clubs.	BR	BR	–	–	–	BR
2	Areas set aside for the protection of wildlife and natural resources, wildlife management areas, nature preserves, and game refuges.	BR	BR	BR	–	–	BR
3	Extraction operations.	S	S	S	S	S	S
4	Public and private facilities dedicated principally to outdoor non-motorized recreation including parks, boat liveries, campgrounds, golf courses and country clubs, but excluding shooting ranges. See Line #6 below.	S	S	S	–	–	S
5	Public and private facilities dedicated principally to outdoor motorized recreation including race tracks and remote control aircraft fields.	S	–	–	–	–	–
6	Shooting ranges.	S	–	–	–	–	S
<b>Uses of a Primarily Residential Character<sup>1,2,3</sup></b>							
1	Assisted living facilities, convalescent homes, and hospice care facilities.	–	S	S	S	–	–
2	Manufactured housing communities and single-family dwellings located within.	–	–	–	–	BR	–
3	Multiple family dwellings.	–	–	–	BR	–	–
4	Open space preservation community.	BR	BR	BR	–	–	BR
5	Single family dwellings not within manufactured housing communities.	BR	BR	BR	BR	–	BR
6	State licensed child day care family home and foster care family home, and adult foster care family home.	BR	BR	BR	BR	–	–
7	State licensed child day care group home and foster care group home, and adult foster care group home facilities.	S	S	S	BR	S	–
8	Two-family dwellings.	BR	BR	BR	–	–	–
<b>Uses of a Primarily Commercial, Business or Industrial Character<sup>1,2,3</sup></b>							
1	Agricultural service establishments.	S	–	–	–	–	–
2	Airports, including commercial and private facilities.	S	–	–	–	–	–
3	Bed and breakfasts.	S	–	–	–	–	–
4	Child day care centers.	–	–	S	S	S	–
5	Composting facilities.	S	–	–	–	–	–
6	Contractor's yards.	S	–	–	–	–	–
7	Equestrian centers.	S	–	–	–	–	–
8	Kennels.	S	–	–	–	–	–
9	Landscape services.	S	–	–	–	–	–
10	Mobile home sales, including as an accessory use to a manufactured housing community.	–	–	–	–	S	–
11	Radio and television communication towers.	S	–	–	–	–	S
12	Resorts and conference centers.	S	–	–	–	–	–
13	Wireless communication facilities <sup>4</sup>	S <sup>4</sup>	– <sup>4</sup>	– <sup>4</sup>	– <sup>4</sup>	– <sup>4</sup>	– <sup>4</sup>

Table 3-2 Continued Next Page. See End of Table for Footnotes.



(Table 3-2 continued)

PRINCIPAL USES <sup>1,2,3</sup>		ZONING DISTRICTS					
		A-R	R-1	R-2 R-3	R-MF	R- MHC	NRP
<b>Other Uses Not Listed Above<sup>1,2,3</sup></b>							
1	Clubs.	S	–	–	–	–	–
2	Public facilities not otherwise addressed in this Table.	S	S	S	S	S	S
3	Religious institutions, museums, schools, and similar semi-public and private facilities characterized by the assembly of persons.	S	S	S	–	–	–
4	Solar energy systems (SES), Large. <sup>5</sup>	S <sup>5</sup>	_5	_5	_5	_5	_5
5	Wind energy systems (WES) comprised of utility scale WES, large on-site WES, and wind energy generation facilities. <sup>6</sup>	S <sup>6</sup>	_6	_6	_6	_6	_6
6	Utility substations, utility service yards, and similar uses.	S	S	S	S	S	–

**Footnotes for Table 3-2:**

1. Irrespective of the labeling of a cell in this table, the following are classified as a Special Land Use (S):
  - a. Any permitted use that exceeds a single building of 10,000 sq. ft. in gross floor area or 20,000 sq. ft. in gross floor area among all buildings on the lot, excluding agricultural and residential buildings.
  - b. Any permitted use that serves alcohol for consumption on the lot of sale.
2. Irrespective of the labeling of a cell in this table, the following are classified as a Use Permitted by Right (BR):
  - a. Any permitted use that is owned and operated by Convis Township.
3. In the case where a proposed use may be construed as both a Use Permitted by Right (BR) and a Special Land Use (S), the use shall be construed as a Special Land Use (S).
4. See Sec. 13.25 for definitions pertaining to wireless communication facilities and exceptions to the classification of wireless communication facilities as a Special Land Use (S) or “prohibited” use.
5. See Sec. 13.24 for definitions pertaining to solar energy systems (SES) and the allowance of Small and Medium SES as accessory uses in certain specified Districts.
6. See Sec. 13.26 for definitions pertaining to wind energy systems (WES) and small on-site use WES permitted in all Districts.

**End of Table 3-2**

*(Balance of Page Blank)*

**Table 3-3  
Permitted Principal Uses in the  
C-1, C-2, C-3, and I-1 Districts<sup>1,2,3</sup>**

See Sec. 3.6(C) regarding accessory uses.  
See Sec. 20.8 regarding accessory buildings.  
See Sec. 20.9 regarding accessory structures.

**BR = Use Permitted By Right<sup>1,2,3</sup>      S = Special Land Use<sup>1,2,3</sup>      – = Prohibited Use**

PRINCIPAL USES		ZONING DISTRICTS			
		C-1	C-2	C-3	I-1
<b>Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character<sup>1,2</sup></b>					
1	Extraction operations.	S	S	S	S
<b>Uses of a Primarily Residential Character<sup>1,2</sup></b>					
1	Assisted living facilities, convalescent homes and hospice care facilities.	–	S	–	–
2	Dwellings when located on a second or third story above a business.	BR	BR	BR	–
<b>Uses of a Primarily Commercial or Business Character<sup>1,2</sup></b>					
1	Agricultural service establishments.	–	S	–	BR
2	Any generally recognized retail business that supplies commodities on the premises including, but not limited to, groceries, drugs, liquor, furniture, clothing, dry goods, books, flowers, jewelry, garden supplies, nursery stock, and hardware, but excluding sexually oriented businesses.	BR	BR	BR <sup>2</sup>	–
3	Banquet hall.	S	BR	–	–
4	Bed and breakfast.	S	–	–	–
5	Building material sales yard, including retail lumber yards and incidental millwork, and storage facilities for building materials including sand, stone, lumber, and contractor's equipment.	–	BR	–	BR
6	Centralized laundry services generally not open to the public.	–	–	–	S
7	Child day care center.	S	S	–	–
8	Commercial recreation of an indoor character including theaters, bowling alleys, skating rinks, shooting ranges, arcades, and similar uses.	–	BR	–	–
9	Commercial recreation of an outdoor character such as miniature golf, go-cart tracks, batting cages, theaters and similar uses but excluding shooting ranges.	–	S	–	–
10	Contractor's yard.	–	–	–	BR
11	Equipment rentals including party supplies and construction equipment but excluding vehicles.	–	BR	–	BR
12	Funeral homes and mortuaries, including a dwelling occupied by the facility owner or manager.	–	BR	–	–
13	Health clubs and spas.	S	BR	–	–
14	Hospitals and convalescent homes.	–	BR	–	–
15	Hotels and motels including conference centers.	–	BR	–	–
16	Landscape services.	–	S	S	BR
17	Lumber mill.	–	–	–	BR
18	Medical clinics.	BR	BR	–	–
19	Mini-storage.	–	S	–	BR
20	Mobile and modular home sales.	–	S	–	–
21	Offices and showrooms of plumbers, electricians, decorators, and similar trades, with not more than 25% of the floor area of the building or part of the building occupied by said establishment used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products.	–	BR	–	–
22	Offices and showrooms of plumbers, electricians, decorators, and similar trades, with more than 25% of the floor area of the building or part of the building occupied by said establishment used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products.	–	S	–	BR

Table 3-3 Continued Next Page. See End of Table for Footnotes.

(Table 3-3 continued)

**BR = Use Permitted By Right<sup>1,2</sup> S= Special Land Use<sup>1,2</sup> -- = Prohibited Use**

PRINCIPAL USES		ZONING DISTRICTS			
		C-1	C-2	C-3	I-1
<b>Uses of a Primarily Commercial or Business Character<sup>1,2</sup></b> <i>(continued)</i>					
23	Offices which perform professional services on the premises including but not limited to accountants, doctors, lawyers, insurers, financial institutions, consultants, architects, real estate, artist offices and galleries, and similar office uses.	BR	BR	-	-
24	Offices of an executive, administrative, clerical and similar character, in which the principal function of the office does not entail on-site visits by customers.	BR	BR	-	-
25	Personal service establishments that perform services on or off the premises such as appliance and similar equipment service and repair, shoe repair, upholstery repair, hair salons, photographic studios, laundry and dry cleaners, plumbing and electrical services, printing and reproduction, pet groomers, packaging and mailing/delivery services, and similar services.	BR	BR	S	-
26	Restaurants classified as "standard."	BR <sup>2</sup>	BR <sup>2</sup>	BR <sup>2</sup>	-
27	Restaurants classified as "drive-through," "drive-in" and "food truck."	-	S <sup>2</sup>	-	-
28	Restaurants classified as "delivery service" and "take-out."	BR <sup>2</sup>	BR <sup>2</sup>	-	-
29	Retail and wholesale sale of trees, shrubs, flowers and other plant material.	-	BR	S	-
30	Sale, rental, service and repair of new or used cars, boats, mobile homes, farm machinery, and other vehicles and items intended for tow.	-	BR	-	BR
31	Sexually oriented businesses.	-	S	-	-
32	Tavern.	S	S	S	-
33	Vehicle / car wash.	-	S	-	-
34	Vehicle repair shop.	-	S	-	S
35	Vehicle service station.	S	S	-	S
36	Veterinary clinic.	BR	BR	BR	-
37	Wireless communication facilities <sup>3</sup>	- <sub>3</sub>	- <sub>3</sub>	- <sub>3</sub>	- <sub>3</sub>
1	<b>Uses of a Primarily Industrial Character<sup>1,2</sup></b>				
1	Airports.	-	-	-	S
2	Assembly of electrical appliances, electronic instruments and devices, including the manufacture of small parts such as computer parts.	-	-	-	BR
3	Crematoriums.	-	-	-	S
4	Junkyards and salvage yards.	-	-	-	S
5	Manufacturing, compounding, assembling, treatment, and packaging of articles or merchandise from the following previously prepared materials: bone, cellophane, fur, glass, canvas, cork, felt, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, sheet metal, wax, and wire. "Previously prepared materials" are materials processed, manufactured or created at another location and transported to the parcel in this District for assembly into new products.	-	-	-	BR
6	Manufacturing, compounding, processing, treatment, fabrication or packaging of such products as: drugs, perfumes, pharmaceuticals, toiletries, bakery goods, candy, ceramics, clothing, jewelry, instruments, optical goods, hardware and food products.	-	-	-	S
7	Monument and art stone production and sales.	-	S	-	BR
8	Plastic molding and extrusion.	-	-	-	BR
9	Printing, lithography and similar reproduction processes, and publishing.	-	BR	-	BR
10	Production, processing or testing utilized in product prototyping.	-	-	-	BR
11	Recycling center.	-	-	-	S
12	Research and testing laboratories.	-	-	-	BR

Table 3-3 Continued Next Page. See End of Table for Footnotes.

(Table 3-3 continued)

**BR = Use Permitted By Right<sup>1,2,3</sup> S= Special Land Use<sup>1,2,3</sup> -- = Prohibited Use**

PRINCIPAL USES		ZONING DISTRICTS			
		C-1	C-2	C-3	I-1
<b>Uses of a Primarily Industrial Character<sup>1,2</sup></b> <i>(continued)</i>					
13	Sheet metal fabrication.	–	–	–	<b>BR</b>
14	Tool and die manufacturing.	–	–	–	<b>BR</b>
15	Warehousing, storage/ transfer establishments, and truck terminals.	–	–	–	S
16	Wholesale merchandising	–	S	–	S
<b>Other Uses Not Listed Above<sup>1,2</sup></b>					
1	Clubs.	S	S	S	–
2	Public facilities not otherwise addressed in this Table.	S	S	S	S
3	Religious institutions, museums, schools, and similar semi-public and private facilities characterized by the assembly of persons.	S	S	–	–
4	Wireless communication facilities. <sup>3</sup>	– <sup>3</sup>	S <sup>3</sup>	– <sup>3</sup>	S <sup>3</sup>
5	Utility substations, utility service yards, and similar uses.	S	S	S	S

**Footnotes for Table 3-3**

1. The following apply to Table 3-3:
  - a. Irrespective of the particular labeling of a cell in this table, the following are classified as a Special Land Use:
    - 1) Any use in the C-1 or C-3 District that exceeds a single building of 10,000 sq. ft. in gross floor area or 20,000 sq. ft. in gross floor area among all buildings on the lot, excluding farm and residential buildings.
    - 2) Any use in the C-2 or I-1 District that exceeds a single building of 20,000 sq. ft. in gross floor area or 40,000 sq. ft. in gross floor area among all buildings on the lot, excluding agricultural buildings.
    - 3) Any use that serves or otherwise provides or makes available alcohol for consumption on the same lot.
    - 4) The provision of services or products to customers within their vehicle, and which are commonly described as drive-in or drive-through service.
  - b. Irrespective of the labeling of a cell in this table, any permitted use that is owned and operated by Convis Township is classified as a Use Permitted by Right (BR).
  - c. In the case where a proposed use may be construed as both a Use Permitted by Right (BR) and a Special Land Use (S), the use shall be construed as a Special Land Use (S).
  - d. See Section 13.24 regarding Small and Medium solar energy systems (SES) that are permitted as an accessory use in certain specified Districts.
  - e. See Section 13.26 regarding on-site wind energy systems (WES) that are permitted as an accessory use in certain specified Districts.
2. Outdoor areas associated with a restaurant that are used or intended to be used for eating, drinking, sporting activities and/or other gathering of persons, are permitted by special land use only when such outdoor areas exceed one thousand (1,000) square feet in area or otherwise permit more than forty (40) persons to occupy such area.
3. See Sec. 13.25 regarding exceptions to the classification of wireless communication towers as “special land uses” or “prohibited.”

**End of Table 3-3**

*(This Page Blank)*

**Table 3-4<sup>1</sup>**  
**SITE DEVELOPMENT REQUIREMENTS<sup>1</sup>**

All principal land uses and principal buildings shall comply with the site development requirements of Table 3-4 unless otherwise specified by this Ordinance.

See Section 3.8 regarding site development requirements for the Manufactured Housing Community District (R-MHC).

See Section 20.8 regarding development standards for accessory buildings and structures.

See Section 11.3 regarding buffer standards in association with natural resource areas.

Zoning District	Minimum Lot Area	Minimum Lot Width and Frontage	Maximum Building Height	Maximum Building Coverage	Minimum Yard Setback <sup>8</sup>		
					Front	Each Side	Rear
<b><u>NRP</u></b> Natural Resources Protection	5 acres	330 ft. <sup>2</sup>	35 ft. <sup>3</sup>	10%, but not less than 2,000 sq. ft.	60 ft. <sup>5,8</sup>	50 ft. <sup>6,8</sup>	50 ft. <sup>6,8</sup>
<b><u>A-R</u></b> Agricultural-Residential	2 acres <sup>4</sup>	330 ft. <sup>2,4</sup>	35 ft. <sup>3</sup>	15%, but not less than 2,000 sq. ft.	60 ft. <sup>5,8</sup>	50 ft. <sup>6,8</sup>	50 ft. <sup>8</sup>
<b><u>R-1</u></b> Low Density Residential	30,000 sq. ft.;	125 ft. <sup>2</sup>	35 ft. <sup>3</sup>	20%, but not less than 2,000 sq. ft.	50 ft. <sup>5,8</sup>	30 ft. <sup>6,8</sup>	50 ft. <sup>8</sup>
<b><u>R-2</u></b> Medium Density Residential	15,000 sq. ft. except 30,000 sq. ft. without SS	75 ft. <sup>2</sup>	35 ft. <sup>3</sup>	30%, but not less than 2,000 sq. ft.	25 ft. <sup>5,8</sup>	10 ft. <sup>6,8</sup>	30 ft. <sup>8</sup>
<b><u>R-3</u></b> High Density Residential	8,000 sq. ft. except 30,000 sq. ft. without SS	60 ft. <sup>2</sup>	35 ft. <sup>3</sup>	35%, but not less than 1,500 sq. ft.	25 ft. <sup>5,8</sup>	10 ft. <sup>6,8</sup>	20 ft., <sup>8</sup>
<b><u>R-MF</u></b> Multiple Family	1 acre	150 ft. <sup>2</sup>	35 ft. <sup>3</sup>	35%	35 ft. <sup>5,8</sup>	50 ft. <sup>6,8</sup>	50 ft. <sup>8</sup>
<b><u>C-1</u></b> Local Commercial	20,000 sq. ft.	150 ft. <sup>2</sup>	30 ft. <sup>3</sup>	50%	30 ft. <sup>5,8</sup>	15 ft. <sup>6,8</sup>	30 ft. <sup>7,8</sup>
<b><u>C-2</u></b> General Commercial	30,000 sq. ft.	150 ft. <sup>2</sup>	30 ft. <sup>3</sup>	50%	40 ft. <sup>5,8</sup>	25 ft. <sup>6,8</sup>	30 ft. <sup>7,8</sup>
<b><u>C-3</u></b> Rural Commercial	2 acres	330 ft. <sup>2</sup>	25 ft. <sup>3</sup>	10%	60 ft. <sup>5,8</sup>	60 ft. <sup>6,8</sup>	60 ft. <sup>7,8</sup>
<b><u>I-1</u></b> Light Industrial	1 acre	150 ft. <sup>2</sup>	45 ft. <sup>3</sup>	50%	85 ft. <sup>5,8</sup>	20 ft. <sup>6,8</sup>	40 ft. <sup>7, 8</sup>

SS = Sanitary Sewer

See following pages for Table 3-4 Footnotes.

## Footnotes for Table 3-4 Site Development Requirements

- 1. Other Standards and Regulations:** All uses shall comply with the site development requirements in Table 3-4 unless specified otherwise by this Ordinance. See also Article 8 - Signs, Article 9 - Off-Street Parking and Loading, Article 10 - Landscaping and Screening, Article 11 - Environmental Protection, Article 12 - Access and Private Roads, Article 13 – Additional Standards and Regulations for Specific Land Uses, Article 20 - Supplemental Provisions, and other Articles as applicable.
- 2. Configuration of Lots:** All lots shall conform to the following configuration requirements:
  - a. Depth to Width: The depth of a lot shall not exceed four (4) times its width.
  - b. Lot Width: The minimum lot width standard of Table 3-4 shall extend a minimum distance from the front lot line to the required building setback line.
  - c. Frontage: In the case of a waterfront lot, the minimum frontage standard shall apply to both the front lot line and any other lot line adjacent to the water body. In the case of a corner lot or through lot, the minimum frontage standard shall apply to all lot lines abutting a road right-of-way or road easement.
  - d. Exceptions:
    - 1) In the case of a lot that gains access from an interior road within a condominium subdivision, platted subdivision, or similar unified residential neighborhood, the minimum lot width and frontage in the A-R District shall be 200 feet.
    - 2) Lesser frontage and width standards than those of Table 3-4 may be approved by the designated plot plan or site plan approving body where the front lot line abuts a curvilinear road segment, such as a cul-de-sac, where without such reduction, the resulting lot would be unnecessarily excessive in overall width or area, or otherwise result in an irregular or impractical configuration. However, such frontage and width reduction shall not exceed fifty percent (50%), shall not result in lot frontage and width less than 50', and the minimum front yard setback shall be extended to the line at which there is compliance with the lot width standard of Table 3-4.
- 3. Height Exceptions:**
  - a. Agricultural Buildings: Agricultural buildings and structures are exempt from the height limitations of Table 3-4 provided the building or structure is set back from all lot lines an additional one (1) foot for each three (3) feet that the building or structure exceeds the height limitation of Table 3-4, provided the exemption shall conform to all rules and regulations of the Federal Communications Commission and Civil Aeronautics Administration.
  - b. Other: The following height exemptions apply except where otherwise regulated by this Ordinance, provided no portion of the building or structure exceeding the District's height limitation may be used for human occupancy, the exemption shall conform to all rules and regulations of the Federal Communications Commission and Civil Aeronautics Administration, and the site plan approving body finds the exemption shall not undermine the character, use and enjoyment of nearby properties:
    - 1) Those features that are purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments, provided such features occupy an area no more than ten percent (10%) of the structure's gross floor area of its upper most story.
    - 2) Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell structures, ventilators, and transmission structures, but not to exceed one hundred (100) feet in height above the ground surface below.
    - 3) Public utility structures.
- 4. A-R District Limitations on Number of Lots Created:** See Section 3.8(A) for limitations on the number of lots that may be created in the A-R District.
- 5. Front Yard Setback:** Unless specified otherwise in this Ordinance, front yard setbacks shall be measured from the front lot line, being the road right-of-way or easement line.

## 6. Side Yard Setbacks

- a. Corner and Through Lots: For a corner lot, the minimum required side yard setback shall equal the minimum required front yard setback for the side yard abutting a road right-of-way/easement, except where a lesser or greater setback is otherwise permitted or required by subsection (b) or (c) or elsewhere in this Ordinance .
- b. R-1, R-2 and R-3 District: Side yard setbacks for principal buildings in the R-1, R-2 and R-3 Districts that are not used principally for dwelling purposes, such as in the case of a religious institution and convalescent homes, shall be fifty (50) feet. Side yard setbacks for corner lots shall comply with 6(a) above.
- c. C-1 and C-2 Districts
  - 1) The required side yard setback shall not apply in the case of shared-wall construction with an adjacent building on an adjacent lot provided such shared wall is a minimum of twenty (20) feet in length.
  - 2) The required side yard setback shall be increased to 30' in the C-1 District, and 40' in the C-2 District, where the side lot line abuts a Conservation, Agricultural, or Residential District.
- d. I-1 District
  - 1) The required twenty (20) foot side yard setback shall not apply in the case of shared-wall construction with an adjacent building on an adjacent lot provided such shared wall is a minimum of twenty (20) feet in length.
  - 2) The required twenty (20) foot side yard setback shall be increased to fifty (50) feet where the side lot line abuts a Conservation, Agricultural, or Residential District.

## 7. Rear Yard Setbacks

- a. C-1 and C-2 Districts: The required side yard setback shall be increased to fifty (50) feet where the rear lot line abuts a Conservation, Agricultural, or Residential District.
- b. I-1 District: The required rear yard setback shall be increased to fifty (50) feet where the rear lot line abuts a Conservation, Agricultural, or Residential District.

## 8. Additional Setback Provisions: The following setback provisions apply in addition to Footnotes 5, 6 and 7:

- a. Waterfront Setback: In no case shall a building be located closer than fifty (50) feet from the ordinary high water mark of a year-round water body including lake, pond, river, or stream.
- b. Exceptions for Architectural Features and Platforms
  - 1) Cornices, eaves, gutters, chimneys, bay windows, pilasters, unenclosed outdoor stairways, and similar architectural features shall not project more than three (3) feet into the required front and rear setback, and five (5) feet into the required rear yard setback. In no case shall such architectural features that extend into the required setback cumulatively exceed more than twenty-five percent (25%) of the length of the side of a building from which they extend.
  - 2) A raised unroofed platform in front of an exterior door or otherwise adjacent to a building wall including an unenclosed porch, which extends from the building's principal foundation wall or footing and the walking surface is no greater than two (2) feet in height, shall be set back from all lot lines a minimum distance of five (5) feet. Such platforms in excess of two (2) feet in height shall comply with the same setback requirements applicable to the building. A balcony shall project no more than five (5) feet into the required building setback.
- c. Fire Escapes and Outside Stairways: Unenclosed fire escapes and outside stairways may project into a required side or rear yard a maximum of five (5) feet.
- d. Barrier Free Access: Physical structures relating to barrier free access, such as ramps, shall not be required to comply with setback requirements provided such structures are designed to comply with the normally required setback area to the greatest extent practical.

## End of Article 3



## Article 4 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

### **Section 4.1 Purpose**

The provisions of this Article provide enabling authority and standards for the submission, review and approval of applications for planned unit developments (PUDs), pursuant to the Michigan Zoning Enabling Act. It is the intent of this Article to authorize the use of PUD regulations to permit flexibility in the regulation of land development to encourage beneficial innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; encourage useful open space; and provide better housing, employment, and shopping opportunities. The provisions of this Article are not intended as a device for ignoring this Ordinance or the planning upon which it is based. To this end, the provisions of this Article are intended to result in land use development substantially consistent with the planned development pattern for the Township according to the Convis Township Master Plan, with modifications and departures from Ordinance requirements made in accordance with standards provided in this Article to insure appropriate, fair, and consistent decision making.

### **Section 4.2 PUD is a Separate District**

A PUD is permitted as a separate zoning district and only when determined to be in compliance with the provisions of this Article. The approval of a PUD shall require an amendment of the Official Zoning Map constituting a part of this Ordinance so as to designate the property "PUD," and the PUD shall be subject to the approved PUD application including the approved site plan.

### **Section 4.3 Minimum Eligibility Criteria**

- A. The following minimum eligibility criteria shall be met in order for PUD approval:
1. Recognizable and Substantial Benefit: The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to the Township as a whole. Such benefit must otherwise be unfeasible or unlikely under the regulations of other Districts.
  2. Availability and Capacity of Public Services: The proposed type and intensity of use shall not result in an unreasonable burden on the availability and use of existing public services, facilities, and utilities.
  3. Compatibility with the Master Plan: The proposed development shall be in accordance with the Convis Township Master Plan.
  4. Compatibility with the PUD Intent: The proposed development shall be consistent with the intent and spirit of Section 4.1.
  5. Economic Impact: The proposed development shall not impede the continued use or development of surrounding properties for uses permitted on such properties.
  6. Unified Control of Property: The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance and the specifications of the PUD approval.

### **Section 4.4 Use and Design Standards**

#### **A. Permitted Uses and Mix of Uses:**

1. Scope of Uses: Any land use authorized in this Ordinance is permitted in a PUD as a principal or accessory use provided that public health, safety, and welfare are not impaired and the essential character of the proposed PUD meets the general intent of the Convis Township Master Plan.
2. Non-Residential Uses in a Residential Development: Where the Master Plan provides for primarily residential development patterns, commercial and other nonresidential uses may be permitted as part of a PUD that also contains a residential component provided that the residential component will be predominant. The determination of the predominance of the residential component shall take into account the extent to which the non-residential use serves residents in the PUD compared to others who will travel to the site, the amount of traffic generated by the non-residential use compared to the residential component, the operational hours of the non-residential use, the proportional land area allocated to the non-residential use, and the building floor area allocated to the non-residential use.

**B. General Site Development Standards and Waivers:** The site development standards for all proposed individual land uses and facilities in a PUD shall conform to this Ordinance, including such standards pertaining to lot area and dimensions, density, building coverage, setbacks, parking, loading, landscaping and screening, road widths, and similar requirements, except that the Township Board may waive such standards where such modifications will result in a more beneficial development than would be possible without the modifications.

1. Unless a waiver is granted, standards pertaining to lot area, lot dimensions, density, building coverage, and setbacks shall comply with those standards of the District that most closely characterizes the dominant character of the PUD development as determined by the Township Board.
2. Unless a waiver is granted, mixed uses shall comply with the regulations applicable for each individual use, including the standards contained in Article 13, Additional Standards and Regulations for Specific Land Uses. If regulations are inconsistent with each other, the regulations applicable to the most dominant use shall apply.
3. The waiving of development standards may be authorized only upon a finding by the Township Board that there are adequate features or planning mechanisms designed into the project to achieve the objectives intended to be accomplished with respect to each of the standards from which a departure is sought.

#### **Section 4.5 Approval Standards**

**A.** Each application and site plan for a PUD shall conform to all applicable provisions of this Ordinance unless specific waivers have been granted by the Township Board, and the following:

1. Site Plan Approval Standards, Section 14.4.
2. General Approval Standards for Special Land Uses, Section 15.6.

#### **Section 4.6 Procedures for Review and Approval**

**A. Optional Preapplication Conference and Sketch Plan:** See Section 14.3.

**B. Preliminary Site Plan: Application, Public Hearing, and Action**

1. The applicant shall submit to the Zoning Administrator fifteen (15) copies of a preliminary site plan and an application form supplied by the Zoning Administrator. The Zoning Administrator shall forward copies to the Planning Commission, Township Board, and other agencies or individuals selected to review such plans including but not necessarily limited to Township departments and staff, consultants, County Water Resources Commissioner, and County Road Department. The preliminary site plan shall comply with the requirements of Section 14.3(B) and include a detailed text description of the proposed development and all Ordinance standards for which the applicant is seeking a waiver.
2. The Planning Commission shall review the preliminary site plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. Following review of the preliminary site plan submittal, the Planning Commission shall act on the preliminary site plan as if it were an application for rezoning, and in doing so, shall follow the provisions of Article 17.
3. Following the public hearing provided under Article 17 and any fact finding and additional studies, the Planning Commission shall prepare written findings regarding the PUD application and the preliminary site plan's conformance with the applicable requirements of this Article and Ordinance, including the approval standards of Sections 14.4 and 15.6. The Planning Commission shall recommend to the Township Board to approve, deny, or approve with conditions the preliminary site plan. The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions and recommendation, the basis for its decision, and any recommended conditions relating to an affirmative decision. The report shall document the extent to which the Planning Commission supports the waivers being requested by the applicant and any concerns regarding the same.
4. The Township Board shall take final action to approve, deny, or approve with conditions the preliminary PUD application and site plan. In reviewing the preliminary PUD application and site plan, the Township Board shall consider the applicable requirements of this Article and Ordinance including Sections 14.4 and 15.6. The Township Board shall prepare and transmit a report to the applicant stating its conclusions and decision, the basis for its decision, and any conditions relating to an affirmative decision. The effect of Township Board approval of the preliminary application shall be:
  - a. To authorize the fundamental PUD character and layout embodied in the preliminary site plan, including any conditions applied to the approval, prior to the preparation of a final site plan.
  - b. To authorize a change on the Zoning Map to classify the subject property as "PUD".

**C. Final Site Plan and Permit Issuance**

1. Within eighteen (18) months following receipt of preliminary approval, the applicant shall submit to the Zoning Administrator fifteen (15) copies of a final PUD site plan, or phase one of a final site plan, in conformance with Section 14.3(C) and including a detailed text description of the proposed development and all Ordinance standards subject to a proposed waiver. If the final plan has not been submitted within such period, the preliminary plan approval shall become null and void unless the Township Board extends the time for submission of the final plan upon a showing by the applicant that no material change of circumstances has occurred having bearing on the original approval by the Township Board, found upon inspection by the Township Board to be valid.
2. The Zoning Administrator shall record the date of the receipt of the final site plan and transmit copies to the Planning Commission, Township Board, and other agencies or individuals selected to review such plans including but not necessarily limited to Township departments and staff, consultants, Water Resources Commissioner, and County Road Department.
3. The Planning Commission shall review the final plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions and recommendation, the basis for its recommendation, and any conditions relating to an affirmative decision. The Planning Commission shall recommend to the Township Board to approve, deny, or approve with conditions the final plan.
4. Upon receiving a recommendation from the Planning Commission, the Township Board shall take final action to approve, deny, or approve with conditions the final PUD site plan. In reviewing the final plan, the Township Board shall consider the applicable requirements of this Article and Ordinance, including Sections 14.4 and 15.6. The Township Board shall prepare and transmit a report to the applicant stating its conclusions and decision, the basis for its decision, and any conditions relating to an affirmative decision.
5. If and when the final site plan is approved, all improvements and use of the property shall be in conformity with the final site plan and any conditions imposed. The applicant shall record an affidavit with the Register of Deeds containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements shall be carried out in accordance with the approved PUD unless a site plan revision is approved by the Township Board upon request or approval of the applicant or applicant's transferee and/or assignees. Upon receipt of the recorded documents, the Zoning Administrator shall issue a permit for that portion of the PUD project receiving final site plan approval. See Sections 2.5 and 14.8 regarding the expiration of zoning permits and site plans.

**Section 4.7 Phasing of Mixed Uses**

**A. Residential PUDs:** In developments that are to be predominantly residential in character but include nonresidential components, the Township Board may require a phasing plan to ensure that a specified number or percentage of the proposed residential units are constructed prior to or concurrently with nonresidential components, and such phasing plan may include other requirements to ensure appropriate phasing.

**B. Non-Residential PUDs:** In developments that are not to be predominantly residential in character but include a mix of uses, the Township Board may require a phasing plan to ensure that certain uses or components of the PUD be constructed prior to or concurrently with other uses or components to ensure the intended dominant character of the PUD.

*(Balance of Page Blank)*

**End of Article 4**

**Article 5  
(Reserved for Future Use)**

**End of Article 5**

## Article 6 NONCONFORMING LOTS, USES and STRUCTURES

### **Section 6.1 Purpose**

It is recognized that there exists lots, structures and uses within the Districts of this Ordinance and subsequent amendments, which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance or subsequent amendment. It is the purpose of this Article to permit nonconforming lots, structures and uses to continue until they are removed or discontinued, and to provide for their maintenance and repair but not their expansion, enlargement, extension or other alteration which in any way increases its nonconformity, except as otherwise provided by this Article.

### **Section 6.2 Nonconforming Lots**

**A.** Notwithstanding limitations imposed by other provisions of this Ordinance, any use, building and customary accessory structures may be erected on any single lot of record in existence on or before the date of adoption or amendment of this Ordinance, where such use is an authorized "use permitted by right" in said District according to Tables 3-2 and 3-3 of Article 3, even though such lot fails to meet the requirements for area, width, and/or frontage that are applicable in the District. The following additional provisions shall apply:

1. **Compliance with Standards:** All yard dimensions, setbacks and other requirements not involving area, width, and/or frontage, shall conform to the regulations for the District in which such lot is located unless a variance is obtained from the Zoning Board of Appeals according to Article 16. This subsection (1) shall not be construed to approve or authorize any instances of noncompliance with area, width and/or frontage standards except existing nonconforming conditions and upon the issuance of a variance by the Zoning Board of Appeals.
2. **Adjacent Lots:** If two or more nonconforming lots share a common lot line or portion thereof, and are in single ownership of record at the time of passage or amendment of this Ordinance as recorded in the County Register of Deeds, and though all or part of the lots do not meet the requirements established for area, width, or frontage, the lands involved shall be considered to be separate lots for the purposes of this Ordinance unless otherwise combined by the owner. No portion of said lots shall be used or divided in a manner that further diminishes compliance with the area, width and frontage requirements of this Ordinance.

### **Section 6.3 Nonconforming Uses**

**A.** Where, on the date of adoption or amendment of this Ordinance, a lawful use exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. **Enlargement/Expansion:** No nonconforming use shall be enlarged or increased in area or bulk or in the number of structures and buildings, or moved or extended to occupy a greater area of land, than as existed on the date of adoption or amendment of this Ordinance except as provided in subsections (a) and (b).
  - a. Single-family dwellings comprising nonconforming uses may be expanded, enlarged, and increased in area and bulk, not to exceed twenty-five percent (25%) of its area and bulk as of the adoption or amendment date of this Ordinance, and the same shall apply to associated accessory structures and buildings, subject to compliance with the site development standards of this Ordinance including Table 3-4 of Article 3 and Section 6.4.
  - b. Nonconforming uses of a principally non-residential character, located within a building, may be extended throughout any portion of the existing building in which the use is located.
2. **Change of Tenancy/Ownership:** A change of tenancy or ownership of a nonconforming use is allowed provided there is no increase in the degree of nonconformance of the nonconforming use.
3. **Re-Establishment of Nonconforming Use:** Any nonconforming use of land or structure, or combination thereof, which is superseded by a permitted use, shall thereafter conform to the regulations for the District in which such use is located, and a nonconforming use may not thereafter be resumed or otherwise established.

4. **Cessation/Destruction:** If a nonconforming use of any building, structure, land or premises or part thereof ceases for any reason for a period of more than six (6) months, or where the use is destroyed to an extent of more than fifty percent (50%) of its replacement value, exclusive of building foundations, the subsequent use of the property shall thereafter conform to the regulations and provisions of this Ordinance for the respective District. Minimum conditions that shall be considered in determining the cessation of a nonconforming use shall include disconnection of utilities, the property has fallen into a state of disrepair, the removal of signage associated with the use, and the removal of equipment necessary for such use.
  - a. The restrictions of subsection (4) shall not apply in the case of single-family and two-family dwellings and accessory structures thereto, constituting a nonconforming use, subject to the following conditions:
    - 1) The replacement structure shall comply with the applicable setback and height standards of the District in which it is located,
    - 2) The erection of the replacement structure is initiated within one (1) year of the previous structure's destruction.
    - 3) The first story floor area of the replacement structure shall not exceed the previous structure's first story floor area as existing at the time of adoption of this Ordinance or amendment thereto.
    - 4) The replacement structure is completed to an extent equal to fifty percent (50%) or more of its construction cost within eighteen (18) months of such destruction.
5. **Substitution:** No nonconforming use may be changed to another use that is not expressly authorized in the respective district except upon approval of the Township Board after receiving a recommendation from the Planning Commission. The review procedure shall follow the same requirements of special land uses according to Article 15. In addition to the consideration of the site plan approval standards of Article 14 and the special land use approval standards of Article 15, no substitution shall be approved except upon finding that such change in use will be as or more conforming to the intent of the district than the existing nonconforming use, and will be more compatible with surrounding conditions. In making such a determination, factors to be considered shall include the anticipated change in intensity of use including vehicular and pedestrian traffic, hours of operation, anticipated noise levels, and other aspects of the proposed use. See Sec. 2.11 for hearing notice requirements.
6. **Nonconforming Use and Structure in Combination:** In the case where nonconforming status applies to a structure and use in combination, removal or destruction of the structure to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, all subsequent uses and structures on the land shall conform to the respective District regulations.

## **Section 6.4 Nonconforming Structures**

**A. Limitations:** Where a lawful structure exists on the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance or subsequent amendment by reason of restrictions on area, building coverage, height, setbacks, yards or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following limitations:

1. **Enlargement/Alteration:** No nonconforming structure may be enlarged or altered so as to increase its nonconformity such as in the case of an increase in the height of a roof that currently exceeds the permitted height, an increase in the cubic area of a building that encroaches into a required setback, and an increase in the number of stories encroaching into a required setback.
2. **Destruction:** Should a nonconforming structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance, including the site development standards for the respective District. In identifying the extent of destruction and the cost to replace the damaged structure, the Zoning Administrator may seek a written opinion from a qualified building appraiser and the opinion shall include the basis for the opinion.
  - a. **Single and Two-Family Dwelling Exception:** The limitations of this subsection (2) shall not apply in the case of single and two-family dwellings, and accessory structures thereto, when all of the following conditions are met:
    - 1) The replacement structure is no more nonconforming in any aspect than the previous structure.
    - 2) No wall of the replacement structure shall extend horizontally or vertically beyond any nonconforming wall of the previous structure, and in no case shall the replacement structure be set back from all lot lines less than fifty percent (50%) of the district's setback standards.



- 3) A building permit for the erection of the replacement dwelling is issued within one (1) year of the previous structure's destruction, and the replacement structure is completed to an extent equal to fifty percent (50%) or more of its construction cost within two (2) years of such destruction. The Zoning Administrator may issue a single extension of no more than six (6) months upon determining that delays in meeting either time restriction are beyond the control of the applicant.
3. Relocation: Should a nonconforming structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the District in which it is located after it is moved.
4. Minor Repairs: A nonconforming structure may undergo ordinary repairs and maintenance, including the repair and refurbishing of wall exteriors, fixtures, wiring or plumbing, provided there is compliance with subsections (a) and (b). Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Building Inspector.
  - a. The nonconformity existing at the time of Ordinance adoption or amendment shall not be increased, including the cubic area of any nonconforming portion of such structure.
  - b. No structural alterations shall be undertaken, as in the case of the relocation of load-bearing walls.

**Section 6.5 District Changes**

Whenever the boundaries of a District shall be changed so as to transfer land from one District to another District, the provisions of this Article shall also apply to any existing lots, uses and structures that become nonconforming as a result of the boundary change.

**Section 6.6 Illegal Nonconformities**

Nonconforming lots, uses and structures existing on the effective date of this Ordinance or amendment thereto, that were established without the lawfully required procedures and approvals at such time of establishment, shall be declared illegal nonconformities and are not entitled to the status and rights accorded legally established nonconformities by this Article.

*(Balance of Page Blank)*

**End of Article 6**

**Article 7**  
**(RESERVED for FUTURE USE)**

*(Balance of Page Blank)*

**End of Article 7**

## Article 8 SIGNS

### Section 8.1 Purpose

The purpose of this Article is to provide a framework for the display of signs to accommodate the legitimate identification, advertising and informational needs of all land uses and to ensure free speech rights guaranteed by the First Amendment to the U.S. Constitution, including the expression of personal, religious, political and ideological views. It is the purpose of this Article to provide such signage needs and opportunities in a manner that is balanced with the desired stability and enhancement of residential and non-residential areas including property values, the safety of the Township's road corridors, and the Township's prevailing desired visual character. It is recognized that unrestricted or unregulated signage does not support the desired character of the Township nor benefit either private enterprise or the community-at-large. Unrestricted signage encourages traffic safety hazards, visual clutter, confusion for vehicle drivers, visual blight, and decreased property values, and undermines the desired visual character of the Township including its business centers and residential neighborhoods, and its economic development initiatives. This Article recognizes that certain activities and uses of land are temporary in nature and though temporary, have reasonable signage needs, and this Article is intended to permit temporary signage consistent with the regulatory framework described above.

### Section 8.2 Definitions

- A. Awning/Canopy Sign:** A sign part of or otherwise affixed to a sheet of canvas, plastic or other non-rigid material stretched on a frame so as to be roof-like in function for coverage of the ground area below and/or for architectural purposes. An awning/canopy sign may be in a permanently extended position or may be retractable.
- B. Business Center:** A grouping of two or more businesses on one (1) or more lots and in one (1) or more buildings, which may share parking and access and are linked architecturally or otherwise developed as a unified grouping of businesses.
- C. Electronic Message Center (EMC) Signs:** A sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. An EMC sign may be a free-standing sign or wall sign as defined herein.
- D. Freestanding Sign:** A sign that is erected upon or supported by the ground, including ground signs as defined herein and signs supported by one or more poles, columns or similar supports.
- E. Ground Sign:** A freestanding sign that extends from a base on the ground and has an overall monument-type appearance, or that is supported by one (1) or more posts that are less than two (2) feet in height.
- F. Illumination/Illuminate:** The act of highlighting the visual presence and/or impact of a sign by the use of artificially created light, such as through electrical devices.
1. "Internal illumination" refers to the incorporation of the light source behind the sign face intended to be highlighted and enclosed within the framing of the sign. For the purpose of this Article, an EMC sign shall be construed to be an internally illuminated sign.
  2. "External illumination" refers to the placement of the light source in front, above, below and/or to the side of the sign face intended to be highlighted. External illumination is not enclosed within the framing of the sign but may be attached to the sign.
- G. Permanent Sign:** A sign designed and/or intended to last indefinitely in the same location, structurally attached to the ground, or a wall or other structure, in such manner that the sign cannot be easily removed and/or relocated. A permanent sign shall be construed to be the same permanent sign despite modifications to the message of such sign.
- H. Projecting Sign:** A sign, other than a wall sign, that projects more than eighteen (18) inches from the face of the building or structure upon which it is located, irrespective of the direction from which the sign is intended to be viewed.

**I. Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, banner, flag, pennant, trade names or marks, or other representation, or combination thereof, designed for the purpose of directing or attracting attention to, advertising, identifying, expressing or making known something. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs that are visible from any public street, sidewalk, alley, park, or public or private property.

1. **Exception:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, banner, flag, pennant, trade names or marks, or other representation, or combination thereof, that do not exceed two (2) sq. ft. in area, and designed for the purpose of directing or attracting attention to, advertising, identifying, expressing or making known something, shall not be construed as a sign except under the following conditions:
  - a. This exception shall not apply in the case where such words, lettering, parts of letters, figures, or other representations, or combinations thereof, are placed on multiple structures or other supports that are each no greater than two (2) sq. ft. in area but exceed two (2) sq. ft. in total cumulative area and are intended to be read or viewed together for a single or unified message or purpose. Such arrangements shall constitute a sign.
  - b. This exception shall not apply if such words, lettering, parts of letters, figures, or other representations, or combinations thereof, are erected within 20 feet of a public road right-of-way and intended to be viewed from such right-of-way. Such arrangements shall constitute a sign.

**J. Temporary Sign:** A sign designed to be moved periodically or displayed for a limited and comparatively short period of time only, without a foundation, footing or similar permanent underground, wall or structure anchoring system, such as in the case of a "grand opening" sign, a sign announcing an upcoming community event, and signs mounted on wheeled trailers. A temporary sign shall be construed to be the same temporary sign despite modifications to the location or message of such sign during the period the sign is displayed.

**K. Wall Sign:** A sign that is attached directly to a building wall that is flat against or generally parallel to the building wall and not extending more than eighteen (18) inches from the face of the wall, including signs painted on a building wall, and including signs on a marquee, canopy or awning-type structure.

**L. Window Sign:** A wall sign that is attached to the interior or exterior of a window, in addition to a sign that is not affixed directly to a window but positioned within twelve (12) inches of a window so that the sign is visible from the outside.

## **Section 8.3 Application and Permit Requirements**

### **A. Permits and Review**

1. **Required Permit and Review:** All signs shall require a zoning permit prior to placement, erection, replacement or alteration unless exempted by subsection (2) below. If site plan review is required for a proposed project that a proposed sign shall be part of, the proposed signage shall be reviewed as part of the site plan review procedure for the entire project, pursuant to Article 14, and a separate sign application shall not be necessary. If the proposed signage is to be part of an existing development and the development was or is subject to site plan review under this Ordinance, the designated site plan approval body for the development shall review the sign application as a "major" site plan change according to Section 14.6. The Zoning Administrator shall be the approving body for signs not subject to site plan approval.
2. **Signs Exempt from Permit/Review:** The following signs are exempt from the provisions of subsection (1) but shall conform to all other regulations and standards of this Article including sign area and height.
  - a. Signs required or otherwise authorized by a public agency having jurisdiction over the respective road right-of-way.
  - b. Official notices issued by a public agency, court, or government official.
  - c. Signs on operating, licensed commercial motorized vehicles.
  - d. Ordinary maintenance, servicing, repainting, cleaning, altering, or changing the information of an existing sign, provided the size, location and/or structure are not changed.
  - e. Indoor signs affixed to or covering windows.
  - f. Signs authorized under Section 8.7.
  - g. Signs less than ten (10) sq. ft. in area not otherwise listed above.

**B. Application Information:** Application for a zoning permit for a sign shall include the following minimum information, which may be submitted as part of a larger development application:

1. Name, address, and telephone number of the applicant, and address of the lot on which the sign is to be erected.
2. A copy of the approved or proposed site plan for the lot on which the sign is to be placed.
3. Construction specifications including dimensions, materials, height, ground clearance if applicable, total display area, method of attachment to the wall or ground, and in the case of an EMC sign, the manufacturer's sign brightness specifications according to nit level.
4. Location of the sign on the building and, in the case of a freestanding sign, its location on the lot and in relation to nearby buildings, structures, and property lines, and setbacks from lot lines, right-of-ways, and access drives.
5. The height and width of the building if the sign is a wall sign.
6. Lot area and frontage.
7. Elevational view of the sign including proposed sign copy.
8. Information concerning required electrical connections.
9. Certification by the manufacturer that the sign complies with the Michigan Construction Code.
10. Written consent of the owner or lessee of the premises upon which the sign is to be erected, if different than the applicant.
11. Other information as may be required to ensure compliance with all applicable laws and regulations.

## **Section 8.4 Design and Construction Standards**

**A. Materials, Construction and Maintenance:** All signs shall be constructed and maintained in a manner consistent with building code provisions and maintained in good structural condition at all times, free of hazards to the general public. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose. All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports. Signs shall be maintained free of peeling material, fading, rust, rot, insect infestation or other conditions reflective of a state of disrepair.

### **B. Design.**

1. One Sign Per Support: No pole, column or similar support shall be used to accommodate more than one (1) sign serving the same business, tenant or occupant of a lot.
2. Framework: All signs shall be designed so that the supporting framework, other than the supporting poles on a freestanding sign, is contained within or behind the face of the sign or within the building to which it is attached so as to be totally screened from view.

**C. Wall Sign Dimensions and Heights for Non-Residential Uses.** Wall signs in association with commercial, industrial, institutional and other non-residential uses shall comply with the following:

1. Wall Sign Vertical Dimension: The maximum vertical dimension of any wall sign shall not exceed one third (1/3) of the building height.
2. Wall Sign Horizontal Dimensions: The maximum horizontal dimension of any wall sign shall not exceed three-fourths (3/4) of the width of the building.
3. Wall Sign Height: The top of a wall sign shall not be higher than the lowest of the following:
  - a. Twenty (20) feet.
  - b. The top of the sills on windows above the first story.

### **D. Lighting:**

1. Authorized Lighting:
  - a. Unless specified otherwise in this Article, temporary signs shall not be illuminated in any district except in Commercial and Industrial Districts.
  - b. Unless specified otherwise in this Article, permanent signs in Commercial and Industrial Districts may be illuminated.
  - c. Unless specified otherwise in this Article, permanent signs in Agricultural, Conservation and Residential Districts shall not be illuminated between 10:00 p.m. and 6:00 a.m., and all illumination shall be external illumination.
  - d. Lighting shall comply with the National Electrical Code.
2. Moving Illumination: No sign shall include flashing, blinking, intermittent, moving or variable intensity illumination, including strobe and rotating spot lights or search lights, except as authorized in association with an electronic message center (EMC) sign or as authorized by Section 8.7.
3. Exterior Illumination: Exterior illumination of a sign shall not result in an increase of more than one-half (1/2) foot candle power of light above the ambient light level along the lot lines of the lot, measured at ground level.

4. Interior Illumination: Within Agricultural and Residential Districts, sign illumination shall be externally only unless the interior illumination is limited to individual letters, lettering, symbols and logos on a sign, and all other sign elements shall be opaque or otherwise not illuminated.
5. Source and Projection of Illumination: The source of sign illumination shall be shielded from traffic and adjacent properties and shall not be visible beyond the property line of the lot on which the sign is located.
  - a. This subsection shall not apply to neon lights and exposed bulbs, including marquees signs, provided such lights and bulbs shall not exceed fifteen (15) watts in the case of incandescent bulbs and four (4) watts in the case of light emitting diode (LED) bulbs.
6. EMC Signs: See Section 8.9 regarding lighting requirements for EMC signs.

#### **E. Measurements**

1. Sign Area: The area of a sign shall be computed by calculating the square footage of a sign face as measured by enclosing the most protruding points or edges of all sign faces of the sign within a parallelogram, rectangle, triangle, circle, cylinder, cone or combination thereof, including any framing.
  - a. Where a sign has two (2) or more similarly shaped faces placed back-to-back, and at no point are less than eighteen (18) inches apart from one another, the area of the sign shall be the area of one (1) face. Where a sign has two (2) or more similarly shaped faces placed back-to-back, and are greater than eighteen (18) inches apart from one another at any point, the area of the sign shall be the combined area of each face.
  - b. Where a sign has two (2) faces placed back-to-back, and at no point are less than eighteen (18) inches apart from one another, but the signs are of differing sizes, the sign area shall be that of the larger sign.
  - c. In the case of a sign with three (3) or more faces, the area of the sign shall be the area of all faces.
2. Sign Setbacks: The distance between a sign and a property line, parking lot or building, shall be measured along a straight horizontal line that represents the shortest distance between the property line or outer edge of the parking lot or building, and the leading edge of the sign as viewed from above in plan view.
3. Sign Height: The height of a sign shall be measured from the highest point of the sign, including all frame and structural members of the sign, to the ground elevation directly below the sign face. The height of a sign placed upon a berm or other artificially raised ground area shall be measured from the base elevation of the berm or artificially raised ground area.

### **Section 8.5 Nonconforming Signs**

**A. General/Article 6:** Nonconforming signs shall be subject to the provisions of Article 6 except as otherwise provided by the following:

1. Destruction: A nonconforming sign that is destroyed to an extent greater than forty percent (40%) of the sign's replacement cost, exclusive of the foundation, shall not be reconstructed.
2. Maintenance: Normal sign maintenance is permitted including painting of chipped or faded signs, replacement of faded or damaged surface panels, and repair or replacement of electrical wiring or electrical devices.
3. Change of Copy: The sign copy of a nonconforming sign may be changed provided that the change does not create any greater nonconformity or otherwise alter the sign's framing and structural features.

### **Section 8.6 Prohibited Signs:**

**A. Signs Prohibited:** The following signs are prohibited, whether temporary or permanent, except where expressly authorized elsewhere in this Article.

1. Signs that, due to location, design, color, or lighting, encourage confusion among drivers due to unauthorized traffic signs, signals or devices, or signs that make use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse drivers or pedestrians.
2. Signs that obstruct free and clear vision of approaching, intersecting or merging traffic.
3. Signs greater than twenty-five (25) sq. ft. in area, affixed to a parked vehicle or device intended for tow, where such vehicle or tow item is being used principally for advertising purposes due to its parked location rather than for transportation purposes.
4. Signs attached to a roof, signs that extend higher than the prevailing height of a roof's eave, and signs that extend higher than the surface of a roof in the absence of eaves.
5. Signs that obstruct ingress or egress from a required door, window or other required point of access.
6. Signs that represent a public hazard due to the manner of construction, lack of maintenance and/or



- repair, potential for electric shock, or any other reason.
7. Signs placed in, upon, or over any public right-of-way, alley, or other public place, except upon approval of the governmental entity having jurisdiction over such right-of-way or place.
  8. Signs that have any moving or flashing lights, signs that revolve or have any visible moving parts, revolving parts or visible mechanical movement of any type, or signs that have other apparent visible movement irrespective of the cause of the movement including strobe and rotating spot and search lights.
    - a. Banners, pennants, festoons, spinners, streamers, and similar devices, that move due to wind or mechanical devices, that are intended to draw attention to a location are considered moving signs and are prohibited except as otherwise expressly authorized in association with a temporary sign according to Section 8.7. This limitation shall not be construed to prohibit EMC signs or signs that rely on light-emitting diodes (LEDs) provided such signs are in compliance with Section 8.9.
  9. Signs that depict “specified anatomical areas” or “specified sexual activities” as defined in Section 13.23.
  10. Signs that constitute a temporary sign, including banners, except as authorized according to Section 8.7.
  11. Signs erected or modified prior to obtaining all necessary approvals and permits for such erection.
  12. All other signs not expressly authorized by this Ordinance.

*(Balance of Page Blank)*

**Section 8.7 Permitted Temporary Signs**

**A. Authorization:** In addition to all other signs authorized by this Article, temporary signs are permitted according to the requirements and limitations of this Section. Signs permitted by this Section shall not be applied toward the permissible sign areas or permissible number of signs authorized by other sections of this Article.

**B. Purpose:** A temporary sign may be used for any purpose including, but not limited to, announcements pertaining to a grand opening, an upcoming special event, or the availability of a dwelling or real estate for sale or rent; seasonal celebrations; signs erected during construction activities; and expressions of political, religious and ideological views.

**C. Limitations:** Temporary signs shall comply with the standards of Table 8.7-1 regarding sign type, number, area, height and setbacks. In the case where Table 8.7-1 does not address a district established under this Ordinance, the unaddressed district shall be subject to the same standards of the district to which it is most similar in the scope of permitted uses.

**Table 8.7-1**

See “Special Provisions” on following page.

Districts	Maximum Permitted Number of Temporary Signs and Corresponding Maximum Sign Area	Maximum Sign Height	Minimum Sign Setback from Lot Lines
Agricultural, Conservation and Residential	2 signs, not to exceed 3 sq. ft. each	4'	10'
	1 sign not to exceed 20 sq. ft. provided such sign is not displayed for more than 7 days during any calendar month and the principal use of the lot is not for single or two-family residential purposes.	6'	10'
Commercial and Industrial	2 signs not to exceed 5 sq. ft. each. 1 sign not to exceed 10 sq. ft. 1 sign not to exceed 25 sq. ft. provided such sign is not displayed for more than 7 days during any calendar month.	6' for all signs except 8' for a freestanding sign and 15' for a wall sign.	15' from all lot lines for all signs, except 30' if the adjacent yard is in a District other than a Commercial or Industrial District.

**Table 8.7-1 Special Provisions**

1. Multiple Tenants: In addition to the temporary signs authorized by Table 8.7-1, in the case of a lot that is occupied by two (2) or more dwelling units or two (2) or more tenant spaces, each dwelling or tenant space may display a temporary sign not exceeding a height of three (3) feet and an area of three (3) sq. ft. Such temporary signs shall be set back from all lot lines a minimum distance of ten (10) feet and no two (2) temporary signs shall be located within fifty (50) feet of one another when oriented toward a road right-of-way and within fifty (50) feet of such right-of-way.
2. Exceptions for Temporary Activities: In addition to the temporary signs authorized by Table 8.7-1, additional temporary signs shall be permitted under the following conditions.
  - a. *Construction Sites:* Temporary signs are permitted on lots on which a building is being erected or altered and for which all necessary zoning and building permits have been granted, provided such signs do not exceed two (2) per road frontage, do not exceed a cumulative total of twenty-four (24) sq. ft. in area per road frontage, and do not exceed a maximum six (6) feet in height. Such signs shall be erected no earlier than thirty (30) days prior to the commencement of construction and shall be removed no later than thirty (30) days after a certificate of occupancy is issued or eighteen months, whichever occurs first.
    - 1) In the case of a sign in association with the construction of a single-family or two-family dwelling, no more than one such sign is permitted and shall not exceed a height of four (4) feet and six (6) sq. ft. in area.
  - b. *Public Vote:* Temporary signs may be displayed during the forty-five (45)-day period prior to and the seven (7) day period after a public vote, and such signs shall not exceed six (6) feet in height and six (6) sq. ft. in area.

- c. *Real Estate:*
- 1) In the case of the sale or lease of a lot, building, building space, or residence, one temporary sign shall be permitted for each three hundred (300) feet of road frontage. No sign shall exceed an area of six (6) sq. ft. and a height of four (4) feet except that in a Commercial or Industrial District, and on lots of a minimum area of twenty (20) acres in other districts, no such sign shall exceed an area of sixteen (16) sq. ft. and a height not exceeding six (6) feet.
  - 2) A platted subdivision, site condominium, multiple family development, manufactured housing community, or other unified residential or non-residential development consisting of at least five (5) dwelling units or tenant spaces, or at least three (3) buildings used for commercial, industrial or institutional purposes, is permitted one (1) temporary sign not exceeding twenty (20) sq. ft. in area and five (5) feet in height. Such sign shall be removed after three (3) years after initial erection or after the sale of ninety percent (90%) of all lots, units, tenant spaces or buildings within said development, whichever occurs first.
- d. *Roadside Stands:* One (1) temporary sign may be erected within forty (40) feet of a roadside stand provided such sign shall be not exceed sixteen (16) sq. ft. in area and six (6) feet in height, and shall be displayed only during the seasonal period when the purchase of produce is available on a daily basis.
- e. *New Use:* In the case of the proposed use of a lot for other than a one-family or two-family dwelling purposes, and prior to the erection of a permanent sign, a temporary sign may be erected for a period not exceeding sixty (60) days and shall be removed within fifteen (15) days after the use becomes operational, whichever occurs first. Such sign shall comply with the standards of Table 8.8-1, as if the temporary sign is a permanent sign.
- f. *Motion Devices:* In addition to the temporary signs authorized by Section 8.7, wind-blown devices and inflatable devices such as balloons, pennants, spinners, and streamers, are permitted in a Commercial District only, and for a period not to exceed five (5) days during any calendar month. No inflatable device shall exceed six (6) feet in height as measured from the base to the top of the device.

*(Balance of Page Blank)*

**Section 8.8 Permitted Permanent Signs**

Table 8.8-1 identifies authorized permanent signs in each district according to the limitations specified in the Table regarding sign type, number, area, height and setbacks. Nothing in this Table shall be construed as authorizing a sign, sign area, sign height or sign setback that is otherwise regulated by other Sections of this Article. The signs authorized by this Section are permitted in addition to other signs authorized by the Article, and the signs permitted by this Section shall not be applied toward the permissible sign areas and permissible number of signs authorized by other Sections of this Ordinance. See Section 8.7 regarding temporary signs.

**Table 8.8-1**  
**See “Table 8.8-1 Special Provisions” on following page.**

FS = Free-Standing Sign    WS = Wall Sign

District	Authorized Signs And Number	Maximum Area of Signs	Maximum Sign Height	Minimum Sign Setback from Lot Lines
<b>Agricultural and Conservation Districts</b> See “Table 8.8-1 Special Provisions” for signs for dwellings.	<b>FS:</b> 1 per road frontage but not more than 1 per front yard.  <b>WS:</b> 1 per road frontage.	<b>FS:</b> 20 sq. ft. In the case of a lot with frontage on two roads, one of the two permitted signs shall not exceed 10 sq. ft.  <b>WS:</b> 24 sq. ft.	<b>FS:</b> 5'.  <b>WS:</b> Top of wall to which it is attached, but no higher than the roof eave.	<b>FS:</b> 15', except 30' from an adjacent side or rear yard in an Agricultural, Conservation or Residential District.
<b>Residential Districts</b> See “Table 8.8-1 Special Provisions” for signs for dwellings.	<b>FS:</b> 1 per road frontage but not more than 1 per front yard.  <b>WS:</b> 1 per road frontage.	<b>FS:</b> 20 sq. ft. In the case of a lot with frontage on two roads, one of the two permitted signs shall not exceed 10 sq. ft.  <b>WS:</b> 24 sq. ft.	<b>FS:</b> 5'.  <b>WS:</b> Top of wall to which it is attached, but no higher than the roof eave.	<b>FS:</b> 15', except 30' from an adjacent side or rear yard in an Agricultural, Conservation or Residential District.
<b>Commercial and Industrial Districts</b> See “Table 8.8-1 Special Provisions” for signs for dwellings.	<b>FS:</b> 1 per road frontage but not more than 1 per front yard.  <b>WS:</b> No restrictions on number of signs.	<b>FS:</b> 1 sq. ft. per 1' of building length or height, whichever is greater, but no single sign shall exceed 60 sq. ft.  <b>WS:</b> 1 sq. ft. per 1' of building length or height, whichever is greater, but no single sign shall exceed 60 sq. ft.	<b>FS:</b> 12', except a ground sign shall not exceed 5'.  <b>WS:</b> Top of wall to which it is attached, but no higher than the roof eave.	<b>FS:</b> 15', except 30' from an adjacent side or rear yard in an Agricultural, Conservation or Residential District.

See “Table 8.8-1 Special Provisions” on following page.

### Table 8.8-1 Special Provisions

#### A. Business Centers

1. Freestanding Signs: A business center shall be permitted one (1) free-standing sign according to the height, area and setback standards of Table 8.8-1. In the case of a business center that exceeds three hundred (300) linear feet of building along a single road, one (1) additional such sign is permitted.
2. Ground Signs: In the case of a business center comprised of multiple buildings and served by an internal road network, one (1) ground sign shall be permitted for each building provided such sign is located in the immediate proximity of the building to which it pertains, does not exceed five (5) feet in height and twenty (20) sq. ft. in area, and complies with the setback standards of Table 8.8-1.
3. Wall Signs:
  - a. A business center shall be permitted one (1) wall sign according to the height and area standards of Table 8.8-1.
  - b. In addition to the one (1) sign authorized by subsection (a), the business center shall be permitted wall signage for each business or tenant space. The total wall sign area for an individual business or tenant shall not exceed one (1) sq. ft. per one (1) foot of building length occupied by such business or tenant, but no sign shall exceed 50 sq. ft.

**B. Dwellings:** Permanent signs on a lot on which the principal use is one (1) or more dwelling units shall comply with the following:

1. Single and Two-Family Dwellings: One (1) sign may be erected for each dwelling unit on a lot where such lot is used for single-family or two-family dwelling purposes, each sign not to exceed two (2) sq. ft. in area. In the case of a home occupation on such lot, one (1) additional sign is permitted and shall not exceed two (2) sq. ft. in area and four (4) feet in height, and shall be set back a minimum distance of fifteen (15) feet from all lot lines.
2. Multiple Family Dwelling: One (1) sign may be erected within ten (10) feet of a building entrance within a multiple family dwelling development. Such sign shall not exceed six (6) ft. in height and six (6) sq. ft. in area, and shall comply with the setback standards of Table 8.8-1.
3. Postal Address: The limitations of subsections (1) and (2) shall not prohibit the display of an additional non-illuminated address identification sign, part of a mailbox or mailbox support, to facilitate identification of the property for postal, emergency, and other vehicles. Such sign shall not exceed two (2) sq. ft. in area.

**C. Driveway/Entrance/Directional Signs:** The following permanent signs are permitted, excluding on lots used for single and two-family dwelling purposes:

1. One (1) sign is permitted at the intersection area of a public road and an access drive to a parking lot. Such sign shall not exceed four (4) sq. ft. in area and four (4) feet in height and shall be located within ten (10) feet of the edge of the driveway and road right-of-way.
2. One (1) sign is permitted at an entrance to a residential or non-residential development consisting of a platted subdivision, condominium subdivision, multiple family development, manufactured housing community, or other unified development consisting of at least five (5) dwelling units or at least three (3) buildings used for commercial, industrial or institutional purposes. Such sign shall not exceed twenty-four (24) sq. ft. in area and five (5) feet in height, and shall comply with the setback standards of Table 8.8-1.
3. One (1) sign is permitted at a door of a building. Such sign shall have a maximum height of six (6) feet and shall not exceed six (6) sq. ft. in area. The sign shall not be farther than ten (10) feet from such door and shall comply with the setback standards of Table 8.8-1.
4. Nothing in this subsection (C) shall be construed as prohibiting or regulating signage painted or imprinted on the surface of an access way, parking lot or other surface over which vehicles are driven.

**D. Drive-In/Drive-Through Signs:** One (1) sign, with a maximum height of eight (8) feet and a maximum area of thirty-two (32) sq. ft., is permitted per drive-through lane and/or drive-in station and shall be oriented to drivers within such lane or station. Such sign shall comply with the setback standards of Table 8.8-1 except that no such sign shall be located within thirty (30) feet of a road right-of-way. If such sign is legible from a road right-of-way, the area of such sign shall be included in the computation of total permanent wall or freestanding sign area for the lot, as applicable.

**E. State and Federal Designations:** Nothing in this Section 8.8, including Table 8.8-1, shall prohibit the erection of one additional (1) sign, not to exceed five (5) feet in height and fifteen (15) sq. ft. in area, in the case where a state or federal entity has issued an official recognition of a special aspect of the lot or a structure on the lot, such as in the case of its historical significance.

**Section 8.9 Additional Provisions for Specific Signs**

**A. Applicability:** The following provisions shall apply in addition to the other provisions of this Article:

1. Window Signs: Temporary and permanent window signs shall be permitted in Commercial Districts only and shall be subject to the following restrictions:
  - a. Temporary and permanent window signs shall be part of first story windows only.
  - b. The total combined area of all temporary and permanent window signs shall not exceed ten percent (10%) of the total first-floor window area.
  - c. No single window shall include a total combined area of all temporary and permanent window signs in excess of fifty percent (50%) of such single window area.
2. Underhanging Signs: One (1) sign that hangs above a sidewalk from the underside of a roof or other structure shall be permitted for each business in a business center. There shall be a minimum vertical clearance of eight (8) feet between the bottom edge of the sign and the surface of the sidewalk. Underhanging signs shall be oriented to serve pedestrians walking along the sidewalk and shall not exceed five (5) square feet in area.
3. Electronic Message Center (EMC) Signs:
  - a. EMC signs are only permitted on lots used principally for public or institutional purposes and lots in C-1 and C-2 Districts.
  - b. In C-1 and C-2 Districts, that portion of a sign comprised of an EMC sign shall not exceed fifteen (15) sq. ft. in area and shall not exceed a height of eight (8) feet above the ground surface below. In all other districts, that portion of a sign comprised of an EMC sign shall not exceed ten (10) sq. ft. in area and shall not exceed a height of five (5) feet above the ground surface below.
  - c. One (1) EMC sign may be erected on a lot, irrespective of the number of road frontages along the lot.
  - d. Lighting:
    - 1) An image on an EMC sign, and any portion of an image on an EMC sign, shall stay constant for a minimum of fifteen (15) seconds, without any change in movement, light intensity or color. Message scrolling and similar moving messages, including animation and animation-like imaging, is prohibited.
    - 2) Any change or transition in display on an EMC sign shall not exceed one (1) second in duration.
    - 3) An EMC sign shall be equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions. No EMC sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle meter at a distance determined by the square root of the sign's square foot area multiplied by 100. An example of such a determination in the case of a 12 sq. ft. sign is:  

$$\sqrt{\text{of the product of } (12 \times 100) = 34.6 \text{ feet measuring distance}}$$
    - 4) The measure of light emitted from an internally illuminated sign at its surface shall not exceed 500 nits from dusk to dawn and 2,000 nits during all other times of a day.
    - 5) An EMC sign shall not be operated in an Agricultural, Conservation or Residential District between the hours of 8:00 p.m. and 6:00 a.m.
4. Flags:
  - a. In Agricultural, Conservation and Residential Districts, no more than three (3) flags shall be erected on a lot. Each flag shall not exceed twenty-four (24) square feet in area and twenty (20) feet in height, shall be set back from all lot lines a minimum of twenty (20) feet, and may be erected in any yard. The area of the flags shall not be applied to the permissible freestanding sign area of Table 8.8-1.
  - b. In districts other than Agricultural, Conservation and Residential Districts, no more than three (3) flags shall be erected on a lot. Each flag shall not exceed thirty (30) square feet in area and twenty-five (25) feet in height, shall be set back from all lot lines a minimum of twenty-five (25) feet, and may be erected in any yard. The combined area of all flags in excess of the first flag shall be applied to the permissible freestanding sign area of Table 8.8-1.

**Section 8.10 Highway Advertising Signs**

**A. Authorization and Restrictions:** Signs regulated under the Michigan Highway Advertising Act, P.A. 106 of 1972, as amended, are permitted in the Township subject to the requirements of the Act and the following additional limitations:

1. Such signs are permitted within Commercial or Industrial Districts only, and only on a lot that has frontage along Interstate 69 or along a road segment classified by the County Road Department as a primary road.
2. Such signs shall be set back from lot lines the same minimum distance as required for a building on the lot according to Table 3-4 of Article 3, but shall not be less than fifty (50) feet. In no case shall such a sign be located within one hundred (100) feet of a Residential District or a dwelling existing on another lot at the time of erection of the sign. Such sign shall be set back a minimum of three hundred (300) feet from any other freestanding sign on the same or adjacent lot.
3. There shall be a minimum of one thousand (1,000) feet between any two such signs along the same side of the highway or road. A double-face sign, or V-type sign where the interior angle does not exceed fifteen degrees (15°), shall be construed as a single sign.
4. Such sign's total sign area facing any single direction shall not exceed two-hundred (200) sq. ft.
5. Such signs shall not exceed a height of twenty (20) feet above the ground below, and in no case shall be located on or attached to a roof.

*(Balance of Page Blank)*

**End of Article 8**



## Article 9 OFF-STREET PARKING and LOADING

### **Section 9.1 Purpose**

It is the purpose of this Article to establish standards and requirements to ensure that appropriate parking and circulation shall be adequately provided and maintained on each lot in every District for the off-street parking of motor vehicles as may be necessary, including in association with employees and patrons, ingress, egress, and the receiving and distribution of goods. It is the purpose of this Article to prevent hazards and undue interferences among and between vehicles and pedestrians and protect the public health, safety and welfare.

### **Section 9.2 General Requirements**

- A. One and Two Family Dwellings:** A minimum of two (2) parking spaces shall be provided for each single family dwelling unit unless provided otherwise by Section 9.4.
- B. Fractional Space:** When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
- C. Requirements for a Use Not Mentioned:** In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is delineated and which is most similar to the use not listed shall apply. This determination shall be made during site plan review proceedings.
- D. Use of Off-Street Parking Areas:** Off-street parking areas shall be reserved for the parking of vehicles used to service the establishment to which it is accessory and by its patrons. No commercial repair work, storage, selling or any other activity shall be conducted in an off-street parking area except as may be authorized as part of site plan approval proceedings or other approval under this Ordinance.
- E. Building Additions or Other Increases in Floor Area:** Whenever a use requiring off-street parking is increased in area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity.
- F. Decrease in Parking Areas:** No off-street parking area that exists on the date of adoption of this Ordinance or which is provided subsequent thereto, and which is necessary for compliance with 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 to meet the requirements of this Article.
- G. Location of and Joint Use of Parking Areas:** All off-street parking areas shall be located on the same lot as the use they are intended to serve, but in no case shall such off-street parking areas be located more than three hundred (300) feet from the uses the parking areas are intended to serve except upon a finding by the site plan approving body that, within the context of the specific use and anticipated vehicle and pedestrian patterns, no practical alternative is available and a greater distance shall not encourage excessive traffic in nearby residential areas or otherwise undermine public safety for pedestrians or motorists. The joint use of parking facilities by two or more uses may be granted during site plan review proceedings whenever such joint use is practical and satisfactory to each of the uses intended to be served, and when all requirements of this Article are met.
1. **Computing Capacities:** In computing capacities of any joint use, the total space requirement shall be the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced by the site plan approving body below the sum total of the individual space requirements. Such reduction shall not exceed thirty percent (30%).
  2. **Record of Agreement:** A copy of a proposed agreement between joint users, when the joint uses are located on separate lots, shall be filed with the application for a zoning permit and a copy shall be recorded with the County Register of Deeds upon approval of the application. The agreement shall include a guarantee for continued use of the parking facility by each party, a guarantee for continued maintenance of the shared parking facility to ensure safe and convenient use and the manner in which such maintenance shall be funded among the parties, and a provision requiring written approval by all joint users and the site plan approving body of the Township for termination of such agreement.

**H. Barrier-Free Parking Spaces:** Barrier-free parking spaces shall be provided in accordance with the most current standards and rules of the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division including the number of required spaces, minimum dimensions of spaces and access ramps, and required signage. Such spaces shall be placed in the most convenient locations to facilitate access into a building.

### **Section 9.3 Site Development Requirements for Off-Street Parking**

All off-street parking areas, except for single family and two family dwellings, shall be designed, constructed and maintained in accordance with the following standards and requirements.

**A. Marking and Designation:** Parking areas shall be so designed and marked as to provide for orderly and safe movement and parking of vehicles.

**B. Driveways:**

1. Adequate ingress and egress shall be provided to parking area by means of clearly defined drives. A driveway shall not be used for off-street parking except where specifically designed to accommodate such parking and approved during site plan review proceedings.
2. Two-way drives for ingress and egress to a parking area shall be not less than twenty-five (25) feet wide and all turning radii shall comfortably accommodate vehicle turning patterns.
3. Each entrance to and exit from an off-street parking area, excluding in the case of a one or two-family dwelling, shall be at least twenty-five (25) feet from a side lot line, fifty (50) feet from another driveway, and seventy-five (75) feet from an intersection. Measurements shall be from the nearest edge of the entrance. The site plan approving body may modify these standards as applied to a specific site plan based on review comments by the County Road Department or Township Engineer.
4. No driveway construction shall be initiated except in conformance with the rules, regulations and standards of the County Road Department including the receipt of necessary permits. See also Section 12.3.

**C. Surface:** All required off-street parking areas intended to accommodate five (5) or more spaces, including aisles and driveways, shall be paved with concrete, bituminous asphalt or similar material approved by the site plan approving body. Such body may waive this requirement in the case of a lot outside of a Commercial or Industrial District upon its determination that such paving is not in character with the surrounding and intended land use pattern, the lack of paving will not cause a dust or noise nuisance to current and future residents, and the nature of the use generates comparatively low traffic volumes on a day-to-day basis. Paved parking spaces shall be marked with striping.

**D. Drainage:** All required off-street parking areas shall provide adequate surface drainage facilities to collect and properly manage storm water runoff. Off-street parking areas shall be drained so as to prevent increased rates of runoff onto abutting properties and road right-of-ways.

**E. Setbacks:**

1. Side and Rear Yard Setbacks: Off-street parking areas shall be set back a minimum of twenty (20) feet from side and rear lot lines except that the minimum setback shall be ten (10) feet along those segments of a shared lot line where the adjacent lot is in a Commercial or Industrial District.
2. Front Yard Setbacks: Off-street parking areas shall be set back a minimum distance of twenty (20) feet from a front lot line.
3. Building Setback: Off-street parking areas shall be designed and arranged to prohibit a parked vehicle from being closer than five (5) feet to a building, including any bumper overhang, except that in the case of a multiple family building, the minimum setback for a parking space shall be fifteen (15) feet.

**F. Lighting:** Required off-street parking areas shall be provided adequate light levels to enable pedestrians to safely move through such areas during hours when the use is operational. All lighting shall comply with Section 11.8.

**G. Number of Spaces:** See Section 9.4.

**H. Landscaping and Screening:** See Article 10.

**I. Clear Vision:** Off-street parking shall comply with Section 20.15.

**J. Parking Spaces and Maneuvering Lanes:** Each parking space within an off-street parking area shall be provided with adequate access by means of maneuvering lanes. No parking space shall require a vehicle to back in or out directly from or onto a public road. In the case of drive-through or other facilities requiring the stacking of vehicles waiting to be serviced, a by-pass lane shall be provided to permit a stacked vehicle to exit the stacking lane. The layout of off-street parking areas and stacking lanes shall comply with the following minimum standards:

Parking Pattern	Maneuvering Lane Width		Parking Space Width	Parking Space Length
	One-Way	Two-Way		
0° (Parallel)	12 ft.	22 ft.	10.0 ft.	25 ft.
30° to 53°	13 ft.	22 ft.	10.0 ft.	20 ft.
54° to 74°	16 ft.	22 ft.	10.0 ft.	20 ft.
75° to 90°	15 ft.	22 ft.	10.0 ft.	20 ft.
Stacking Lane	12 ft.	NA.	12.0 ft.	20 ft.

**K. Service Drives and Connections to Adjacent Parking Areas:** To minimize traffic hazards and congestion and protect the public health, safety and welfare through appropriate access management, the site plan approving body may require the development of a lot in a Commercial or Industrial District to include one or both of the following improvements, where practical and feasible:

1. Off-street parking areas shall provide for direct vehicular access to existing or potential off-street parking areas on adjacent lots to minimize the necessity for additional curb cuts onto public roads to gain access to nearby lots or businesses, through the extension of a driveway stub to the shared lot line.
2. Off-street parking areas shall include a service drive across the front or rear of the respective lot to collect traffic from parking areas and funnel the traffic to one or more curb cuts along a public road, so as to reduce the number of curb cuts that would otherwise be required if each parking area accessed the public road. Such service drives shall be designed to afford connections to existing or potential service drives on adjacent lots.

**Section 9.4 Parking Space Requirements**

**A. Compliance with Required Number of Parking Spaces:**

1. Required Spaces: The minimum number of off-street parking spaces to be provided on each lot shall be as specified in this Section according to land use type. Where a lot is comprised of multiple uses, such as in the case of a motel with a restaurant or a building comprised of office and retail tenants, the total number of spaces to be provided shall be the sum of all of the individual uses except as may be otherwise provided by the Article.
2. Waivers: Where it can be demonstrated according to the discretion of the site plan approving body that the parking requirements of this Section would result in more parking spaces than are necessary for the parking needs of a particular use, the site plan approving body may approve a parking plan with fewer spaces than required by this Section according to the following requirements:
  - a. The applicant shall provide written evidence to the site plan approving body that the parking proposed on the site for the specific use is sufficient to meet the parking needs of those who will patronize the use as well as the parking needs for employees during the largest working shift. Such evidence may consist of: arrangements for nearby shared parking, evidence that the proposed use will also be patronized by pedestrians, evidence from the parking history of the proposed use or a use similar to the proposed use at other locations, or that there is sufficient designated parking within the road right-of-way and such designated parking is authorized by the governmental entity having jurisdiction over the road right-of-way, and the use of such right-of-way will not result in a visible increase in traffic congestion or traffic hazards.
  - b. If a plan is approved to allow fewer parking spaces than required by this Section, such parking plan shall only apply to the stated use. All other uses shall comply with the requirements of this Section.
  - c. The site plan approving body may require a reserved parking area on the lot for possible future use, and the site plan approving body may subsequently require the applicant to construct additional parking spaces on the lot if the site plan approving body finds that the reduced number of parking spaces is not adequate to meet the parking needs of the use and public safety and welfare is at risk. Upon such a determination, the applicant shall convert the reserve parking area into available parking spaces, meeting all requirements of this Article, within six (6) months of such determination. The approved site plan shall clearly identify the location of this reserve area including parking spaces and aisles, and no buildings, structures, or similar improvements shall be established in the

reserve area.

**B. Residential Uses:** The minimum number of parking spaces for residential uses shall be as follows:

1. One and Two Family Dwellings: Two (2) spaces for each single family dwelling unit.
2. Multiple Family Dwellings: Two (2) spaces for each multiple family dwelling unit plus one space per ten (10) units for guest parking, and one (1) additional parking space shall be provided for each employee of the largest work shift.
3. Assisted Living Facilities and Group Homes (adult foster care): One (1) space for every three (3) residents of the home, and one (1) additional parking space shall be provided for each employee of the largest work shift.

**C. Commercial Uses:** In addition to the minimum number of parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift including visiting and on-staff medical personnel.

1. Housing, Lodging, and Care Facilities:

- a. **Bed and Breakfast:** One (1) space for each rental room.
- b. **Day Care Centers and Group Home Day Care Facilities:** One (1) parking space for each 350 sq. ft. of usable floor space or one (1) space for each five (5) enrolled persons, whichever is greater, and a drop-off area capable of accommodating five (5) vehicles.
- c. **Hospital:** One (1) space for each three (3) beds.
- d. **Motels and Hotels:** One (1) space for each sleeping unit.
- e. **Medical Clinics:** Two (2) spaces for each examination or treatment room.
- f. **Convalescent and Nursing Homes:** One (1) space for each five (5) beds.
- g. **Senior Independent Housing:** One (1) space per living unit.

2. Recreation:

- a. **Par 3 Golf Courses:** Three (3) spaces for each hole.
- b. **Par 4 or Greater Golf Courses:** Four (4) spaces for each hole.
- c. **Miniature Golf Courses:** Two (2) spaces for each hole.
- d. **Roller Skating Rinks and Pool and Billiard Rooms:** One (1) space for every three (3) persons allowed based on the maximum capacity of the facility as determined by the State Fire Marshal.
- e. **Bowling Alleys:** Three (3) spaces for each alley.
- f. **Athletic Clubs, Physical Exercise Establishments, Health Studios, Self-Defense Clubs:** One (1) space per three (3) patrons based on the occupancy load established by the State Fire Marshal.

3. Retail Sales:

- a. **Automobile or Machinery Sales:** One (1) space for each 200 sq. ft. of showroom floor area. Spaces used for storage of vehicles or machinery for sale shall not be used to meet parking requirements.
- b. **Clothing, Furniture, Appliance, Hardware, Automobile, and Machinery Sales.** One (1) space per six hundred (600) square feet of gross floor area.
- c. **Service Stations:** Two (2) spaces for each repair and service stall (a service stall is not considered a parking space) and one (1) space for every two hundred (200) sq. ft. of useable floor area exclusive of stall areas. Parking spaces available for the fueling of vehicles may be applied to meeting up to fifty percent (50%) of the required one (1) space for every two hundred (200) sq. ft. of useable floor area. See subsection (h) regarding parking for retail sales areas.
- d. **Standard Restaurants, Taverns, and Bars:** One (1) space for every three (3) seats provided plus one (1) additional space for each fifty (50) sq. ft. of standing room available to customers.
- e. **Restaurant, Drive-Through (with indoor eating facilities):** One (1) space for every three (3) seats and fifteen (15) sq. ft. of floor area devoted to placing orders plus sufficient area for six (6) stacking spaces for the first drive-through window and two (2) spaces for each additional window.
- f. **Restaurant, Drive Through (no indoor eating facilities):** One (1) space for every 15 sq. ft. of usable floor area plus sufficient area for six (6) stacking spaces for the first drive-through window and two (2) spaces for each additional window.
- g. **Restaurant, Carry-Out (no indoor eating facilities):** One (1) space for every twenty (20) sq. ft. of usable floor area, provided a minimum of five (5) spaces are provided.
- h. **Supermarket, Convenience Store, Self-Service Food Store:** One (1) space for every two hundred (200) sq. ft. of useable floor area.
- i. **Retail Stores and Facilities, (not otherwise specified above):** One (1) space for every two hundred (200) sq. ft. of useable floor area.

4. Offices and Services:

- a. **Banks and Financial Institutions:** One (1) parking space for every 250 sq. ft. of usable floor area plus sufficient area for five (5) stacking spaces for the first drive-through window and two (2) spaces for each additional window.
- b. **Barber Shops and Beauty Parlors:** Two (2) spaces for each chair and other treatment station.
- c. **Vehicle Service/Repair:** Two (2) spaces for each service bay, but not less than six (6) spaces.
- d. **Car Wash, Automatic:** For those systems which do not operate as a continuous conveyor system accommodating multiple vehicles at a single time, reserve parking or storage for fifty percent (50%) of the manufacture's hourly rated capacity for the system in use shall be required. Additional one (1) space shall be provided for each two hundred (200) sq. ft. of useable floor area devoted to waiting customers.
- e. **Car Wash, Self-Service:** Reserve parking required to accommodate up to four (4) times the maximum number of vehicles able to be undergoing some phase of washing at the same time, based on an average vehicle length of twenty (20) feet.
- f. **Funeral Homes and Mortuaries:** One (1) space for every fifty (50) sq. ft. of floor area of chapels and assembly rooms.
- g. **Kennels:** One (1) space for each five (5) animals of the facility's capacity.
- h. **Laundromat:** One (1) space for every three (3) washing or drying machines plus sufficient area for three (3) stacking spaces for drive-through window purposes.
- i. **Mini-Storage:** Where an office is provided, three (3) spaces.
- j. **Offices and Professional:** One (1) space for every two hundred (200) sq. ft. of gross floor area.
- k. **Personal Service Establishments (not otherwise specified above):** One (1) space per four hundred (400) sq. ft. of gross floor area.
- l. **Banquet Hall:** One (1) space for every four (4) seats provided plus one (1) additional space for each fifty (50) sq. ft. of standing room available to attendees.

**D. Industrial Uses:** In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

- 1. **Manufacturing and Similar Establishments:** One (1) space for every two-thousand (2,000) sq. ft. of floor area.
- 2. **Warehouses, Wholesale Stores:** One (1) space for every one-thousand (1,000) sq. ft. of floor area.

**E. Other Uses:** In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

- 1. **Religious Institutions:** One (1) space for each three (3) seats or six (6) linear feet of pew or bench seating in the main unit of worship.
- 2. **Non-School Auditorium, Theater, Assembly Hall:** One (1) space for each four (4) seats or five (5) linear feet of bench seating, or one (1) space for each three (3) persons based on the occupancy load as established by the State Fire Marshal, whichever is greater.
- 3. **Private Civic Club or Lodge:** One (1) space for each three (3) members, based upon the load capacity as determined by the State Construction Code or State Fire Marshal.
- 4. **Elementary and Middle Schools:** One (1) space for each twenty (20) students plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
- 5. **High Schools:** One (1) space for each ten (10) students (based on the capacity of the facility as determined by the State Fire Marshal), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
- 6. **Libraries and Museums:** One (1) space for every five hundred (500) sq. ft. of gross floor area.
- 7. **Outdoor Theaters and Other Outdoor Entertainment Facilities:** One (1) space for every four fixed seats or five (5) linear feet of bench seating, and one (1) additional space for one hundred (100) sq. ft. available to accommodate additional attendees not otherwise restricted to a fixed seating area.

**Section 9.5 Loading and Unloading Space Requirements**

**A. Additional Space:** Loading space required under this Section shall be provided as area additional to off-street parking space required under Section 9.4.

**B. Space Requirements:** There shall be provided an adequate space for standing, loading, and unloading services. Each space shall be a minimum of twelve (12) feet in width and twenty-five (25) feet in length, and fourteen (14) feet in height, open or enclosed, and be of such pavement design to accommodate the anticipated truck traffic. The site plan approval body may require a greater space length or width where necessitated by the anticipated type of truck traffic. The number of spaces shall be provided as follows:

<u>Gross Floor Area</u>	<u>Spaces Required</u>
Up to 5,000 sq. ft. of gross floor area:	1 space, if determined necessary during site plan review.
5,001 to 19,999 sq. ft. of gross floor area:	1 space.
20,000 to 119,999 sq. ft. of gross floor area:	1 space, plus 1 space per each 20,000 sq. ft. of gross floor area, or fraction thereof, in excess of the first 20,000 sq. ft.
120,000 or more sq. ft. of gross floor area:	5 spaces, plus 1 space per each 40,000 sq. ft. of gross floor area, or fraction thereof, in excess of the first 120,000 sq. ft.

**C. Access:** Access to a truck standing, loading, and unloading space shall be provided directly from a public road or alley and such space shall be so arranged to provide sufficient off-street maneuvering as well as adequate ingress and egress to and from the road or alley.

**D. Screening:** All loading and unloading areas that are adjacent to a different District or residentially-used property, or face or are visible from a public road, shall be screened.

**E. Location:**

1. Designated loading-unloading spaces shall not be located in any front yard.
2. Loading-unloading spaces shall not be located in a required side or rear yard setback except where such yard is adjacent to a Commercial or Industrial District, but in no case shall such loading-unloading area be located within ten (10) feet of the lot line and in the case of a shared lot line in an Agricultural or Residential District, the loading-unloading area shall not be located within fifty (50) feet of the shared lot line.

**End of Article 9**

## Article 10 LANDSCAPING and SCREENING

### **Section 10.1 Purpose**

It is the purpose of this Article to establish standards and requirements to assure adequate landscaping and screening so that land uses minimize noise, air, and visual pollution; enhance the appearance of off-street parking and other vehicular use areas; assure adequate buffering between differing uses; support the desired community character along property adjoining public rights-of-way; prevent soil erosion and soil depletion; and protect and preserve the appearance, character, and value of the community as a whole.

### **Section 10.2 Uses Subject to this Article**

This Article applies only to those uses subject to site plan approval as required by Article 14, Site Plan Review, and other uses so specified in this Ordinance. This Article shall not apply to single family and two-family dwellings.

### **Section 10.3 Landscape Plan Required**

**A.** A landscape plan is required to be submitted as part of a site plan according to Article 14. The plan shall be prepared at a minimum scale of 1" = 100' and shall identify all buffer areas (see Sections 10.4 and 10.5). The landscape plan shall include the clear delineation of the following:

1. Proposed plant location, spacing, size, common and botanical name, and growth habit of each plant type proposed.
2. Identification of grass and other proposed ground cover, including common and botanical name.
3. Existing and proposed contours at no greater than two-foot (2') intervals.
4. Planting and staking details in either text or drawing form to ensure proper installation of proposed plant materials, including construction details to resolve specific site conditions such as tree wells.
5. Identification of existing trees and vegetative cover to be preserved.
6. Proposed maintenance program for the continued care and health of plant material.

### **Section 10.4 Landscaping/Screening Buffer Areas**

**A. Side and Rear Yard Buffer Areas:** A landscaping/screening buffer area shall be established along all side and rear lot lines and shall not be used for off-street parking, storage or used in any other manner except for the purposes of a buffer. In the case of a corner lot, the buffer requirements of this subsection (A) shall equally apply to the side yard adjacent to a road.

1. **Width:** The buffer area shall extend from the respective lot line for a minimum width of twenty (20) feet except that the minimum buffer width in Commercial and Industrial Districts shall be ten (10) feet when adjacent to a lot in a Commercial or Industrial District.
2. **Plant Material:** The buffer area shall be planted and maintained with evergreen trees such as spruce, pines, or firs, and deciduous trees, and shrubs. While such plantings need not be evenly spaced within the buffer, the trees shall be provided at a rate of a minimum of one (1) evergreen tree per thirty (30) linear feet, one (1) deciduous tree per fifty (50) linear feet, and one (1) shrub per ten (10) linear feet.
3. **Berm, Wall and/or Fence:** The buffer area shall include a minimum five (5) foot high berm or solid wall or fence, or a combination thereof, where the site plan approving body determines that the plantings required by subsection (2) do not adequately mitigate negative impacts. In the case where a berm, wall and/or fence is required or otherwise provided, the site plan approving body may reduce the required plantings by no greater than fifty percent (50%), and a minimum of fifty percent (50%) of the required plantings shall be located on the exterior side of such wall or fence.

**B. Front Yard Buffer Areas:** A landscaping/screening buffer area shall be established along all front lot lines and shall not be used for off-street parking, storage or in any other manner except for the purposes of a buffer.

1. **Width:** The buffer area shall extend from the front lot line for a minimum distance equal to the required front yard setback according to Table 3-4 of Article 3, except where off-street parking may be permitted according to Article 9.
2. **Plant Material:** The buffer area shall be landscaped with a minimum of one (1) deciduous or evergreen tree for each fifty (50) linear feet, or portion thereof, of frontage adjoining the road right-of-way. The remainder of the front yard buffer area shall be landscaped in grass, shrubs, trees and/or other ground cover. Access ways through required buffer areas shall be permitted, but such access ways shall not be subtracted from the linear dimension used to determine the minimum number of required trees.

## **Section 10.5 Parking Lot Landscaping and Screening**

**A. General Landscaping:** There shall be provided a minimum of one (1) deciduous tree for every eight (8) parking spaces or fifty (50) linear feet of parking lot edge, whichever is greater. Such trees shall be located within parking islands and/or within twenty (20) feet of the edge of the parking lot. A minimum distance of five (5) feet shall be maintained between proposed tree or shrub plantings and the edge of curbing and pavement.

**B. Screening:** Where a parking lot contains six (6) or more parking spaces and is within view of an existing dwelling, public road, or Residential District, a berm, fence, wall and/or vegetative screen shall be installed to screen views to the parking area. All berms and plant material, either individually or in combination, shall be of such height and spacing to provide a minimum fifty percent (50%) screen of the parking lot border between the height of one (1) foot to four (4) feet above the ground at the time of berm and/or plant material installation. Shrub materials shall be of evergreen or otherwise densely-branched screening character and shall have a growth habit so as to provide for a minimum eighty (80%) screen of the parking lot border between the height of one (1) foot to four (4) feet above the ground within three (3) years of berm and/or plant material installation. The applicant shall supplement plantings as necessary to ensure compliance with the required eighty percent (80%) screen, within six (6) months of notification by the Zoning Administrator.

## **Section 10.6 General Site Landscaping**

In addition to the other landscaping and screening required by this Article, a minimum of one (1) additional tree shall be planted for each three thousand (3,000) square feet of impervious surface to be established on the lot including buildings, paved surfaces, and any unpaved parking areas. Plantings may be uniformly spaced, clustered, and/or randomly scattered. Any remaining unpaved areas within the developed portion of the site shall be grassed or planted with other suitable live plant material unless otherwise intended for parking or a use that is not compatible with the planting of live material.

## **Section 10.7 Minimum Standards of Landscape Elements**

**A. Plant Material Quality and Composition:** Required plant material shall be living, free of insects and diseases, and hardy to the central Michigan climate. Plant species that are generally considered undesirable due to limited disease tolerance, low wood strength and/or high wood-splitting tendencies, such as boxelder, mulberry, poplar, silver maple and willows, are prohibited unless specifically authorized by the site plan approving body based on the manner in which the plant material is to be used or located. A mixture of plant material shall be required to protect against insect and disease infestation.

**B. Plant Material Size:** Unless specified otherwise in this Ordinance, required plant material shall comply with the following size standards:

1. Deciduous Shade Trees: Minimum of two and one-half (2.5) inches in caliper measured four (4) feet above the ground elevation at the time of planting.
2. Deciduous Ornamental Trees: Minimum of one and one-half (1.5) inches in caliper measured six (6) inches above the ground elevation.
3. Evergreen Trees: Minimum of six (6) feet in height and with a minimum spread of three (3) feet at the time of planting.
4. Shrubs: Two (2) feet in height at time of planting except that intentional low growing shrubs shall have a minimum spread of twenty-four (24) inches when planted.

**C. Ground Covers:** Ground cover used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and a minimum fifty percent (50%) coverage after two (2) complete growing seasons.

**D. Grasses:** Grass areas shall be planted using species normally grown as permanent lawns in central Michigan. Grass, sod, and seed shall be clean and free of weeds, pests, and diseases. Grass may be sodded, plugged, sprigged or seeded. When grass is to be established by a method other than complete sodding or seeding, nurse grass seed shall be sown for immediate effect and protection until complete coverage is otherwise achieved. Straw or other mulch shall be used to protect newly seeded areas.

**E. Berms:** Berms shall be constructed with slopes no steeper than one (1) foot of vertical rise for each three (3) feet of horizontal run (33 percent slope), with a minimum three (3) foot flat area on top. Berms may undulate in height, subject to review and approval of berm design as shown on the site plan. Berms shall be graded in a manner that will blend with existing topography, shall be graded smooth, and shall be appropriately sodded, seeded, and mulched, or planted. Berms shall be planted with sod, ground cover, or other suitable live plant material to protect it from erosion and to retain its height and shape. Berms shall be constructed to ensure proper site drainage and the avoidance of ponding.



**F. Fences, Walls and Other Manufactured Landscape Elements**

1. General Requirements: All required or otherwise proposed fencing, walls and other manufactured landscape elements shall be constructed and maintained in a sound manner to assure long-term structural integrity and visual character. Site plans shall include all necessary construction details to illustrate compliance with this requirement.
2. Specific Requirements:
  - a. Walls and fences shall be constructed so as to be a minimum of eighty percent (80%) opaque and no open portion shall exceed one (1) sq. ft. in area.
  - b. The finished side of fencing and walls shall face abutting properties.
  - c. Walls shall be constructed of brick, poured concrete with a simulated brick or stone pattern, or be of similar construction that offers enhanced texture features and/or otherwise lessens the visual mass of the wall.
  - d. See also Section 20.11 for additional provisions regarding fences and walls.

**Section 10.8 Installation, Maintenance and Completion**

**A. Installation and Timing**

1. General: All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner and according to accepted good planting and grading procedures. Trees, shrubs, hedges, and vines shall be mulched to a minimum depth of four inches (4") at the time of planting.
2. Timing of Landscape Improvements: All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy or, where the applicant can demonstrate to the Zoning Administrator that seasonal conditions prohibit the installation of the plant material prior to desired occupancy, the plant material shall be installed within six months of receipt of such Certificate.

**B. Protection of New Landscaping**: Landscaping shall be protected from vehicles through use of curbs or wheel stops in parking lots. Landscape areas shall be elevated above the pavement to a height that is adequate to protect the plants from snow removal, salt, and other hazards.

**C. Protection of Existing Plant Material**: If an approved site plan identifies existing plant material to be preserved, to remain, or to otherwise be undisturbed, protective measures should be implemented such as the placement of fencing or stakes at the dripline around each tree. No vehicle or other construction equipment shall be parked or stored within the dripline of any tree or other plant material intended to be saved.

1. Replacement of Damaged Plant Material: In the event that healthy plant materials which are intended to meet the requirements of the Ordinance are cut down, damaged or destroyed during construction, said plant material shall be replaced with the same species as the damaged or removed plant material, in accordance with the following schedule, unless otherwise approved by the Zoning Administrator based on consideration of the site and building configuration, available planting space, and other pertinent considerations:
  - a. A damaged tree with a caliper of six (6) inches or less, measured four (4) feet above the ground elevation, shall be replaced with two (2) trees with a minimum caliper of two and one-half inches (2.5") measured four (4) feet above the ground elevation.
  - b. A damaged tree with a caliper greater than six (6) inches, measured four (4) feet above the ground elevation, shall be replaced with one (1) tree with a minimum caliper of two and one-half inches (2.5") measured four (4) feet above the ground elevation for each four inches (4") of caliper or fraction thereof of the damaged tree.

**D. Maintenance**: Landscaping required by this Ordinance shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. Plant material shall be watered as necessary to ensure health and disease resistance. Unhealthy and dead material shall be replaced within one (1) month of notice by the Zoning Administrator unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season. Constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired or replaced.

**Section 10.9 Modifications of Landscape and Screening Provisions**

**A. Modifications Authorized:** The site plan approving body may modify the specific requirements of this Article according to subsection (B).

**B. Basis for Modifications:** Modifications may be granted where the site plan approving body finds that such modifications are in keeping with the intent of this Article and Ordinance in general. In determining whether a modification is appropriate, the site plan approving body shall consider whether the following conditions exist:

1. Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective and/or unnecessary screen than an alternative proposal.
2. Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening or visual enhancement effect.
3. Proposed modifications to the lot impact only a small portion of the lot and landscape improvements to only limited portions of the lot are appropriate.
4. The public benefit intended by the landscape regulations could be better-achieved with a plan that varies from the strict requirements of the Ordinance, including in the case where the owner of property adjacent to a proposed development site requests the required landscaping to be waived or lessened.

**End of Article 10**

## Article 11 ENVIRONMENTAL PROTECTION

### **Section 11.1 Purpose**

The purpose of this Article is to promote a healthy environment as it relates to the Township's natural resources and sensitive ecosystems, the provision of adequate sewage disposal and potable water, and the management of land uses regarding other environmental impacts such as exterior lighting, glare, and vibrations.

### **Section 11.2 Natural Resources – General**

**A. Compliance with Local, County, State, and Federal Regulations:** All land uses and construction shall conform to this Ordinance and all local, county, state and federal rules and regulations including:

1. Michigan Department of Environment, Great Lakes and Energy: Land uses shall comply with the requirements of the Michigan Department of Environment, Great Lakes, and Energy including those applying to airborne emissions; water quality protection including discharges to surface and ground water; the use of and disturbances to wetlands including dredging and filling; the use of and disturbances to floodplains; waste disposal; the loading, unloading, transport, storage, use and/or disposal of hazardous substances including fuels and other flammable liquids; and construction in a floodplain.
2. County Health Department: Land uses shall comply with the requirements of the County Health Department including those applying to potable water and sewage disposal.
3. County Water Resources Commissioner: Land uses shall comply with the requirements of the County Water Resources Commissioner including those applying to the provision and design of retention ponds and detention ponds.

#### **B. Sensitive Lands:**

1. Avoidance of Sensitive Resources: Where a portion of a lot is characterized by sensitive or fragile environmental features, including wetlands, hydric soils, or floodplains, new development on the lot shall only occur on those portions of the lot void of such features where reasonably feasible. Where not reasonably feasible, new development shall comply with all county, state and federal laws, rules and permit and approval requirements.
2. Evidence of Permits: Except where required to do so by state or federal law, the Township shall not approve any land use that requires a county, state, or federal permit until such permit has been obtained and satisfactory evidence has been submitted verifying the acquisition of the necessary permit.
3. Mitigation: The Township may require mitigation measures be taken to replace those resources disturbed or destroyed by a land use, or to otherwise lessen the impact of a new land use upon natural resources and sensitive areas.

#### **C. Clearing of Topsoil, Grading, and Drainage:**

1. Removal of Topsoil: Stripping and removal of topsoil from a site is prohibited prior to the completion of all approved site improvements and the seeding, sodding, and landscaping of all disturbed areas, except where expressly authorized as part of an approved site plan. "Disturbed areas" shall be interpreted to mean any area of a lot that is altered by grading or other construction activities and which area is not proposed to be paved or otherwise built upon. This subsection (1) shall not apply in the case of a single-family or two-family dwelling for which a zoning permit and building permit has been issued, provided the topsoil to be removed is limited to the immediate area of the proposed site improvements according to such permits.
2. Drainage/Flow Restrictions:
  - a. Temporary and permanent ground elevations surrounding a building or structure shall be designed and landscaped such that surface waters flow away from the building or structure.
  - b. It shall be prohibited to increase the rate or quantity of runoff upon adjacent properties or public roads, to cause erosion or filling of a roadside ditch, stream or other water body, to block a public watercourse, or create standing water over a sewage disposal drainage field.
  - c. See Section 11.3 regarding buffer areas for natural resources and Section 11.4 regarding storm water management.

### **Section 11.3 Natural Resources – Buffer Areas**

- A. Definitions:** For the purpose of this Section, the following words and phrases shall have the following meanings:
1. **Impervious Cover:** Any manmade paved, hardened or structural surface regardless of material including but not limited to rooftops, buildings, roads, decks, and areas of a principally concrete, asphalt, stone, brick or similar material.
  2. **Natural Feature:** A wetland or watercourse.
  3. **Natural Feature Edge:** The ordinary high water mark, except that in the case where there exists a bank along the natural feature such as a stream or creek bank, where the bank exceeds a slope of ten percent (10%), the natural feature edge shall be considered the top of the bank or a line thirty (30) feet from the ordinary high water mark, whichever is less.
  4. **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.
  5. **Watercourse:** Any waterway including a river, stream, creek, lake, vernal pool, pond, or any body of surface water having definite banks, a bed and visible evidence of a continued flow or continued occurrence of water.
  6. **Wetlands:** Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.
- B. Natural Features, Required Setback:**
1. **Structures Five (5) Feet or Greater in Height:** Unless otherwise specified in this Ordinance, a natural features setback of fifty (50) feet shall be maintained from a natural feature edge for all buildings, and any structures of five (5) feet or more in height above the ground below, except that where there exists one (1) or more buildings located along such natural feature and where such one (1) or more building are within one hundred fifty (150) feet of a side lot line of the lot on which construction is proposed, the required setback for the proposed construction shall be the average setback of such existing buildings measured from the natural feature edge. However, in no case shall such natural feature setback be less than twenty-five (25) feet nor shall such setback be required to be greater than fifty (50) feet. Where only a portion of a building is located within the one hundred fifty (150) foot measured distance, the setback of the entire building shall be used for determining such average setback.
  2. **Structures Less Than Five (5) Feet in Height:** Unless otherwise specified in this Ordinance, a natural features setback of twenty-five (25) feet shall be maintained from the natural feature edge for all structures of less than five (5) feet in height above the ground below.
- C. Use Restrictions within a Natural Feature Setback:** Within a natural feature setback, there shall be no clearing, grubbing or stripping; no removal of vegetation; no application of fertilizers or pesticides; no dredging, grading, excavation, removal or addition of soil or filling of land; no erection or addition of structures, buildings or any other construction including concrete or asphalt paving; and no installation of any impervious cover. In addition, no vegetation cutting or removal within the natural features setback shall occur prior to all approvals from the designated approving body(s) have been obtained.
- D. Exemptions:** The following are exempted from regulation under this Section.
1. **Prohibited by Law:** If and to the extent the Township is prohibited from regulating the proposed activity in or on the respective natural feature by its ordinances or the laws of county, state or federal government or the rules of county, state or federal agencies, regulation under this Section shall be exempted.
  2. **Other:** In addition to the exemptions of subsection (1), the following activities shall be exempted from regulation under this Section provided such activities shall comply with all county, state or federal laws and the rules of county, state or federal agencies, and all necessary approvals and permits have been granted. It is not the intent of this subsection (D) to exempt regulation by other ordinances and laws applicable to the natural feature.
    - a. Installation of a fence or wall.
    - b. Maintenance of previously established lawn areas.
    - c. Grading and filling necessary in order to conform to express requirements imposed by the Township.
    - d. Installation of one (1) deck or similar platform or pad, not to exceed twenty (20) feet in dimension as measured parallel to the natural feature edge.
    - e. Planting of non-invasive trees and other vegetation, but not the use of fertilizers.
    - f. Work consisting of the repair or maintenance of any lawful use of land approved for such use.

- g. Agriculture, landscaping, gardening and lawn maintenance, including the removal of dead and diseased trees.
- h. The clearing of up to thirty percent (30%) of the vegetation in the natural features setback to afford views and/or access to the natural feature, provided adequate measures are taken to prohibit the exposure of bare soil and soil erosion, such as the establishment of grasses or other vegetative ground cover.
- i. Any lawful activity that is under construction and for which all necessary permits have been granted.

#### **Section 11.4 Storm Water Management**

- A. Applicability:** Uses subject to this Section shall be limited to those subject to site plan approval according to Article 14 of this Ordinance unless expressly provided otherwise by this Ordinance.
- B. General Standards:** Land use modifications shall be designed, constructed, and maintained to prevent flooding, protect water quality, reduce soil erosion, and maintain wildlife habitats. In meeting these requirements, the following standards shall apply to the greatest extent practical and feasible:
- 1. All storm water drainage and erosion control plans shall meet the rules and regulations of the County Water Resources Commissioner and any additional regulations as this or other ordinance may provide, including standards pertaining to discharge volumes and the design of retention and detention areas. Compliance with such standards shall, to the maximum extent feasible, utilize nonstructural control techniques including, but not limited to: limitation of land disturbance and grading; maintenance of vegetated buffers and natural vegetation; minimization of impervious surfaces; use of terraces, contoured landscapes, runoff spreaders, and grass or rock-lined swales; and use of infiltration devices.
  - 2. The particular facilities and measures required on-site shall reflect and incorporate existing ground elevations, natural features, wetlands, and watercourses on the site.
  - 3. Storm water management systems shall be designed to prevent flooding and the degradation of water quality related to storm water runoff and soil erosion from proposed development for adjacent and downstream property owners.
  - 4. Site development and storm water management systems shall maintain natural drainage patterns and watercourses.
  - 5. The conveyance of storm water shall rely on swales and vegetated buffer strips to the greatest extent feasible and practical.
  - 6. Drainage systems shall be designed to be fully integrated into the overall landscape concept. Retention and detention ponds shall be designed to be naturally contoured rather than be of a square or rectangular design.
  - 7. It shall be prohibited to increase the rate or quantity of runoff upon adjacent properties or public roads, to cause erosion or filling of a roadside ditch, stream or other water body, to block a public watercourse, or create standing water over a sewage disposal drainage field.
  - 8. Whenever a landowner is required to provide on-site storm water retention and/or surface drainage to wetlands, or whenever other protective environmental measures including monitoring devices are required, such measures or facilities shall be provided and maintained at the landowner's expense. The landowner shall provide satisfactory assurance to the Township whether by written agreement or otherwise, that the landowner will bear the responsibility for providing and maintaining such methods or facilities.
- C. Minimizing Storm Water Runoff**
- 1. Roads constructed as part of a platted or condominium subdivision or similar unified development shall be designed to minimize storm water runoff such as limiting road paving to the minimum necessary width, including cul-de-sacs, while adequately addressing anticipated traffic levels, on-street parking, and emergency vehicle needs.
  - 2. Roof-top runoff shall be directed to pervious areas such as yards, open channels, or other vegetated areas.
  - 3. Clearing and grading shall be limited to only those locations approved for such landscape alterations as delineated on an approved site plan.

**D. Use of Wetlands:** Wetlands may be used for storm water management if all the following conditions are met:

1. All runoff from the development will be pre-treated to remove sediment and other pollutants prior to discharge to a wetland. Such treatment facilities shall be constructed before property grading begins. Storm water runoff discharged to wetlands must be diffused to non-erosive velocities before it reaches the wetland. Direct discharge of untreated storm water to a natural wetland is prohibited.
2. Wildlife, fish, or other beneficial aquatic organisms and their habitat within the wetland shall not be impaired.
3. The wetland has sufficient holding capacity for storm water, based upon calculations prepared by the applicant and reviewed and approved by the Township after consultation with an engineer of applicable expertise.
4. Adequate on-site erosion control is provided to protect the natural functioning of the wetland.
5. Adequate private restrictions are established, such as a conservation easement over the wetlands, to insure that the wetland is not disturbed or impaired in the future relative to the needed storage capacity.
6. Applicable permits from the Michigan Department of Environment, Great Lakes, and Energy and any other agency of jurisdiction are obtained.

### **Section 11.5 Potable Water and Sewage Disposal**

Any building intended for human occupancy and used for dwelling, businesses, industrial, recreational, or institutional purposes shall not be erected, altered, used or moved upon any premises unless said building shall be provided with a potable water supply and waste water disposal system that ensures a safe and effective means of collection, treatment, and disposal of generated wastes. All sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the County Health Department as well as those of other applicable local, county, state, or federal agencies.

### **Section 11.6 Vibration**

It is prohibited to operate any land use including equipment that creates vibrations that are typically discernible by human senses at or beyond the lot line of the source. For the purposes of this Section, "typically discernible by human senses" means vibrational motion of such character to cause a normal person to be aware of the vibration by direct means such as sensation by touch or observation of moving objects.

### **Section 11.7 Glare and Heat**

Any use that produces glare or heat shall be conducted within an enclosed building or other enclosure so as to be completely imperceptible from any point beyond the lot lines of the lot upon which the source of glare or heat originates, including as a result of the opening of doors to such buildings or enclosures. See Sec. 11.8(C) regarding the screening of vehicle headlight glare.

### **Section 11.8 Exterior Lighting**

#### **A. General:**

1. No exterior lighting shall in any way impair the safe movement of traffic.
2. No exterior lighting including any reflected light or resulting glare shall create a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses. This provision shall not apply to Township approved street lighting.
3. No exterior lighting shall be used to attract attention to a building or other facility. This restriction shall not prohibit the use of ground-mounted lighting that enhances the architectural or landscape features of the facility.
4. Exterior lighting of signs shall comply with Article 8.

**B. Residential Uses:** Lighting designed to illuminate residences and residential yards, driveways and walkways shall comply with the following:

1. No more than one (1) foot candle power of light shall cross a lot line at ground level.
2. Exterior lighting in excess of six (6) feet above the ground below shall be designed and installed so that the surface of the source of light shall be hooded or louvered to the greatest extent practical to ensure that all emitted light is directed downward onto the lot on which the light source is located, and that the light source shall not be visible from beyond the lot lines and shall be so arranged to reflect light away from adjacent lots. This subsection (C)(1) shall not apply to light fixtures that rely on incandescent bulbs of no greater than 60 watt power or light emitting diode (LED) bulbs of not greater than 15 watt power.

**C. Non-Residential Uses:** Lighting associated with a commercial, industrial, or other non-residential uses shall comply with the following:

1. A wall, fence, vegetative and/or berm, at least four (4) feet in height, shall be erected to prevent headlight glare from shining onto adjacent residential property. Such headlight screening shall in no way impair safe vertical or horizontal sight distance for moving vehicles.
2. Exterior lighting shall be designed and installed so that the surface of the source of light shall be hooded or louvered to the greatest extent practical to ensure the following:
  - a. Emitted light shall be directed downward onto the lot upon which the light source is located.
  - b. Light sources shall not be visible from beyond the lot lines and shall be so arranged to reflect light away from adjacent properties. Recessed lighting shall be utilized as may be necessary to ensure compliance.
  - c. No more than one (1) foot candle power of light shall cross a lot line at ground level, except that in the case where the adjacent use is in an Agricultural or Residential District, or is under residential use, no more than one-half (1/2) foot candle power of light shall cross the respective lot line at ground level.
3. Subsections (1) and (2) above shall not apply to outdoor recreation and amusement areas, and similar outdoor use of light, provided the lighting is designed with baffling and glare guards to ensure that no more than one-half (1/2) foot candle power of light shall cross a lot line at the ground surface in an Agricultural or Residential District, and such lighting is turned off during hours the facility is closed to the public.
4. Exterior lighting shall not exceed a maximum light level of twenty-five (25) foot candles directly beneath a light fixture and three (3) foot candles between any two (2) fixtures, except upon adequate demonstration to the satisfaction of the plot plan or site plan approving body that higher light levels are necessary for safety and security purposes.
5. For parking lots of less than one hundred (100) parking spaces, lighting fixtures shall not exceed a height of sixteen (16) feet measured from the ground level to the horizontal centerline of the light source. For parking lots of more than one hundred (100) spaces, lighting fixtures shall not exceed a height of twenty (20) feet measured from the ground level to the horizontal centerline of the light source.

*(Balance of Page Blank)*

**End of Article 11**



## Article 12 ACCESS and PRIVATE ROADS

### **Section 12.1 Purpose**

The purpose of this Article is to provide regulations and standards that will facilitate safe, practical and efficient traffic movement and vehicular access. The standards contained herein are intended to protect the public health, safety, and welfare, including minimizing congestion and potential for accidents, and better assure accessibility to property under emergency conditions. The regulations and standards of this Article apply to all lots in the Township unless specified otherwise, and shall be applied in addition to the requirements of the County Road Department and other provisions of this Ordinance.

### **Section 12.2 Lots to Have Access**

**A. Access Required:** All lots hereinafter created in the Township shall have frontage on a public road, or private road approved pursuant to this Ordinance, and take their access from such frontage so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking. Such road frontage shall be a minimum continuous length equal to the required lot width according to Table 3-4 of Article 3.

1. Exception: This Section shall not apply to lots used exclusively for agricultural operations and on which no dwelling is present.

### **Section 12.3 Driveways**

**A. Approval Required:** All plans for structures to be erected, altered, moved or reconstructed, and use of premises, shall contain a plan for the proposed driveway access to the premises. Such plan shall be subject to Township approval as part of the required plot plan or site plan.

1. No driveway plan shall be approved by the Township prior to an applicant's satisfactory demonstration that the proposed driveway plan complies with the rules, regulations and standards of the County Road Department as demonstrated by the issuance of necessary County Road Department permits.
2. No driveway plan shall be approved by the Township except upon a finding of conformance with this Article and Ordinance.
3. No driveway construction shall be initiated prior to the receipt of all necessary county, state and federal permits to the Township, and the Township issues a zoning permit for such driveway.

**B. Standards:** Driveways shall meet all of the following minimum standards. Where this Section may establish standards that are more stringent than those of the County Road Department, the standards of this Section shall apply except where otherwise provided by law.

1. Perpendicular at Intersection: All driveways shall be within ten (10) degrees of perpendicular to the road at their point of intersection.
2. Surfacing: Residential driveways in excess of one hundred (100) feet in length shall be a minimum of twelve (12) feet in clear unobstructed width, be clear and unobstructed to a minimum height of fourteen (14) feet, and shall be constructed of a minimum two (2) inch thickness of asphalt or concrete, or six (6) inches of gravel, stone, or similar aggregate material capable of facilitating emergency vehicle access.
3. Additional Standards for Non-Residential Driveways: Non-residential driveway ingress and egress points shall comply with the following additional standards:
  - a. The nearest surface of the driveway shall be no closer than one-hundred (100) feet to the intersection of any two (2) roads or closer than one hundred (100) feet to a non-residential driveway on an adjacent lot, except upon a finding by the site plan approving body that lesser separation distances shall not undermine the public health, safety and welfare based on vehicle speeds, projected turning patterns and vehicle trips.
  - b. The nearest surface of the driveway to an adjacent lot shall be no less than ten (10) feet except that the nearest surface of the driveway to an adjacent lot in an Agricultural, Conservation or Residential District shall be no less than thirty (30) feet.
  - c. The driveway shall comply with the locational and design standards of the County Road Department including turning radii, tapers, and cross-sectional design.
  - d. See Section 9.3 regarding off-street parking aisles and related standards.
  - e. This subsection (3) shall not apply to lots used exclusively for agricultural operations and on which no dwelling is present.

## **Section 12.4 Private Roads**

**A. Private Roads Permitted:** Private roads as defined in Article 21 are permitted provided such roads comply with the regulations and standards of this Ordinance, and the site plan approving body determines that the road is not necessary as a public road to ensure appropriate continuity of the existing or planned public road network or to ensure any other interest in providing public road access to the area under question.

### **B. Zoning Permits Required:**

1. **Construction of Private Road:** No private road, including a new private road or a private road existing on the effective date of this Ordinance, shall be constructed, extended, improved, or relocated unless a zoning permit has been issued for such construction by the Zoning Administrator, after approval by the Planning Commission. If the private road is part of a special land use application, the Township Board shall be the final approving body. No permit is required for routine maintenance of existing roads such as road patching, resurfacing, and regrading of road surfaces.
2. **Use of Private Road:** No use of a private road shall be initiated prior to the issuance of a zoning permit by the Zoning Administrator signifying that the private road has been constructed according to the approved application.

**C. Application for Zoning Permit for Private Road Construction:** Application for the construction of a private road shall require site plan approval according to Article 14. Approval of such application shall result in the issuance of a zoning permit authorizing construction of such road. In addition to the data required by Article 14 for site plan approval, the following information shall also be provided:

1. **Development Plan:** A general property development plan identifying the following:
  - a. Project description, in both narrative and map form, including the location of the proposed private road easement and location of proposed lots to gain access from said private road.
  - b. The legal description of the proposed private road easement.
  - c. Construction plans and drawings illustrating the proposed design and construction features of the proposed road and easement, including existing and proposed elevation contours within all areas to be disturbed or altered by construction. Proposed traffic control measures (including signs) and proposed road names shall also be indicated.
2. **Easement Agreement:** Road easement agreement to be signed by the applicant/owner(s) and recorded with the Township Clerk and County Register of Deeds, providing for:
  - a. Easements to the public for purposes of emergency and other public vehicles, and easements for utilities.
  - b. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the road.
  - c. A provision that substantially conforms to the following:

"This lot has private road access across a permanent easement which is a matter of record and a part of the deed. This notice is to make Purchaser aware that this lot has egress and ingress over this easement only. Calhoun County and Convis Township have no responsibility for maintenance or upkeep of any improvement across this easement, except as may be provided by an established special assessment district. Maintenance is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private easement and may provide service only to the closest public road access."
3. **Maintenance Agreement:** Road maintenance agreement to be signed by applicant/owner(s) and recorded with the County Register of Deeds, providing for:
  - a. A method of initiating and financing such road in order to keep the road up to properly engineered specifications and free of snow, debris or other conditions that would interfere with free and safe movement along the road.
  - b. A workable method of apportioning the costs of maintenance and improvements to current and future owners.
  - c. A notice specifying that the proposed development may be subject to the establishment of a special assessment district by the Township Board, as provided by law, to ensure continued and adequate maintenance of the road in the event the necessary maintenance is not undertaken by the property owners that are served by such road, and that no public funds of the Township shall be used to build, repair, or maintain the private road except through such an assessment district.

**D. Application for Zoning Permit for the Use of a Private Road:** Upon completion of the construction of a private road as authorized by an approved site plan and zoning permit, no construction shall be initiated nor shall any zoning permit be granted for any structure or use of a lot that relies upon such road for access until the Planning Commission grants final approval for use of the road. The Planning Commission shall grant such final approval when the following conditions have been met:

1. The applicant's civil engineer, registered in the State of Michigan, shall certify in writing that the required improvements were made in accordance with this Article and Ordinance and all approved plans.
2. The Township's engineer, if requested to do so, has completed a review of the road and has submitted a report documenting the extent to which the required improvements were made in accordance with this Article and Ordinance and all approved plans.
3. The Township Clerk has received copies of the approved road easement agreement and road maintenance agreement recorded with the County Register of Deeds.
4. The Township Clerk has received an agreement from the applicant that indemnifies and holds harmless the Township and its representatives from any and all claims of personal injury and property damage arising from the use of the private road.
5. The Township Clerk has received payment from the applicant for all costs incurred by the Township in association with the verification of the constructed road's compliance with this Ordinance.

**E. Existing Nonconforming Private Roads**

1. Maintenance and Existing Lots: Private roads that were lawful prior to the adoption of this Ordinance or amendment thereto, but that are inconsistent with the standards herein, may continue and undergo routine maintenance. The erection of new dwellings or other principal buildings on existing lots which front along such private road is permitted and does not require the issuance of a private road permit except where may be otherwise restricted or prohibited according to subsection (2) below. For the purpose of the subsection (1), a lot shall be construed as an "existing lot" if the alleged lot was created prior to the effective date of this Ordinance and meets one (1) or more of the following conditions:
  - a. The lot is in an approved condominium unit recorded with the County Register of Deeds in accordance with the requirements of the Michigan Condominium Act and other applicable laws and ordinances.
  - b. The lot was described by metes and bounds as recorded by a deed or land contract, and registered with the County Register of Deeds.
  - c. The lot had been assigned a unique parcel number by the County Register of Deeds and has been individually assessed and taxed on that basis.
2. Extensions and Additional Lots and Dwelling Units:
  - a. No private road that was lawful prior to the adoption of this Ordinance or amendment thereto, but that is inconsistent with the standards herein, and which serves five (5) or less lots or dwelling units, may be extended in length or be subject to an increase in the number of dwelling units or lots through the partitioning of land along such road or road extension, except upon a finding that the road shall be capable of providing sufficient access including year round access for emergency vehicles. The Planning Commission may require improvements of such road as a condition of the establishment of additional lots or dwelling units, consistent with one (1) or more of the standards of this Article including the paving of such road.
  - b. No private road that was lawful prior to the adoption of this Ordinance or amendment thereto, but that is inconsistent with the standards herein, and which serves six (6) or more lots or dwelling units, may be extended in length or be subject to an increase in the number of lots or dwelling units through the partitioning of land along such road or road extension, except in the case where the entire existing private road and any extension of such road is designed and constructed according to the standards of this Article, including the paving thereof.
  - c. The Planning Commission may permit exceptions from subsections (a) and (b) only after the receipt of a report from the Township Engineer that documents the extent to which the existing road does not conform to the standards of this Article and the extent to which the existing road is capable of accommodating the anticipated increased levels in traffic without the undermining of its integrity for emergency vehicle use, and a statement of finding regarding whether the increased traffic may substantially undermine public safety and welfare.

**F. Design Standards and Waivers:** Private roads shall comply with the following design standards and those of Table 12.4-1, except that the Planning Commission may waive or otherwise modify the design standards of this Article upon a finding that the standards, as applied to the specific conditions of the site and proposed development plan, are not applicable due to specific features of the site such as soil, slope or other environmental conditions, and that such waiving or modifications and requirements reasonably maintain the public health, safety and welfare including adequate provisions for emergency vehicle access. The Planning Commission may require special fire protection features, such as sprinkler systems within buildings, where it determines, after consulting with emergency services providers, that modifications to the private road design standards suggest alternative fire protection measures to ensure public safety.

1. Maximum Length: Maximum length of a private road shall be one thousand (1,000) feet, with a maximum twenty-four (24) lots or dwelling units served by a single means of access.
2. Intersection Design Standards: Private roads that intersect with existing or proposed private roads or public roads shall intersect at a ninety degree (90<sup>o</sup>) angle.
3. Intersection Offsets from Public Roads: Private roads shall align directly across from or be offset at least two hundred fifty (250) feet from an intersection involving a public road, measured centerline to centerline.
4. Minimum Offsets along Private Roads: Private roads shall align directly across from or be offset at least one hundred fifty (150) feet from an intersection between two (2) other private roads, measured centerline to centerline.
5. Vertical Clearance: Fifteen (15) feet of overhead tree clearance shall be provided within the width of the intended traveled road surface.
6. Road Names and Signs: All private roads shall be posted with clearly visible road names. These signs shall contrast in terms of color with public street signs, and shall clearly indicate the road is private. All signs within the private road or access easement shall be identified on the site plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Planning Commission approves another type of design for consistency with the character of the development. Road signs shall be provided at all intersections.
7. Elevation: The entire surface of a private road shall be a minimum of six (6) inches above the seasonally high water table.
8. Drainage: Underground crossroad drainage shall be provided where the proposed private road crosses a stream or other drainage course. Necessary culverts and erosion treatments shall be provided in accordance with the specifications of the County Water Resources Commissioner.
  - a. The private road easement and road shall be adequately drained so as to prevent flooding or erosion of the roadway. Ditches shall be located within the private road easement. Road drainage shall be constructed so that the runoff water shall not be discharged upon the land of another property owner unless the water is following an established watercourse. The discharged water onto adjoining properties shall also not exceed the normal pre-development rate. Connection to county drains shall be approved by the County Water Resources Commissioner prior to the issuance of a permit. Connection to roadside ditches within public road rights-of-way shall be approved by the County Road Department prior to the issuance of a permit.
9. Configuration and Public Roads: A private road shall not interconnect with a public road network in a manner that will preclude the logical extension of the public road to facilitate the logical, orderly and efficient development of the overall public road system. Factors to be considered in making this determination shall include the circulation pattern and traffic volumes on nearby public roads, existing and proposed land use in the general area, policies part of the Master Plan, and any long-term road improvement and construction plans of the County Road Department and Michigan Department of Transportation.

*(Balance of Page Blank)*

**Table 12.4-1  
Private Road Design Standards<sup>1</sup>**

<b>Design and Construction Standards</b>	<b>Class 4 Road (Serves less than 3 dwellings or lots.)</b>	<b>Class 3 Road (Serves 4 or 5 dwellings or lots.)</b>	<b>Class 2 Road (Serves 6 – 15 dwellings or lots.)</b>	<b>Class 1 Road (Serves 16 or more dwellings or lots.)</b>
<b>Min. Easement Width</b>	66'	66'	66'	66'
<b>Minimum Surface and Base Width</b>	20'	20'	20'	22'
<b>Minimum Surface Material</b>	6" of MDOT 22A processed road gravel in 2 equal compacted courses.	6" of MDOT 22A processed road gravel in 2 equal compacted courses.	6" of MDOT 22A processed road gravel in 2 equal compacted courses.	3" bituminous aggregate, #1100 Mix.
<b>Minimum Base Material</b>	Compacted subgrade	6" Class 2 sand.	6" Class 2 sand.	6" Class 2 sand below 7" crushed limestone, slag, or MDOT 21A processed road gravel, in 2 equal compacted courses.
<b>Minimum &amp; Maximum Horizontal Roadway Grades</b>	Min. 0.5%; Max. 20%, provided grades exceeding 15% do not exceed 200' in length. <sup>5</sup>	Min. 0.5%; Max. 20%, provided grades exceeding 15% do not exceed 200' in length. <sup>5</sup>	Min. 0.5%; Max. 10.0% <sup>5</sup>	Min. 0.5%; Max. 10.0% <sup>5</sup>
<b>Min. Vertical Roadway Curves</b>	75' long for grade changes of 3.0% or more.	75' long for grade changes of 3.0% or more.	75' long for grade changes of 3.0% or more.	100' long for grade changes of 2.0% or more.
<b>Min. Horizontal Roadway Curves</b>	100' from centerline radius.	100' from centerline radius.	230' from centerline radius. <sup>2</sup>	230' from centerline radius. <sup>2</sup>
<b>Drainage Courses</b>	Roadside swales or ditches shall be of sufficient width and grade to provide adequate drainage. <sup>3</sup>	Roadside swales or ditches shall be of sufficient width and grade to provide adequate drainage. <sup>3</sup>	Roadside swales or ditches shall be of sufficient width and grade to provide adequate drainage. <sup>3</sup>	Roadside swales or ditches shall be of sufficient width and grade to provide adequate drainage. Side slopes shall not exceed 1:4 slope. <sup>3</sup>
<b>Turn Arouds</b>	Compliance with 2000 International Fire Code if 300' or more in length.	Compliance with 2000 International Fire Code.	Compliance with 2000 International Fire Code.	Compliance with 2000 International Fire Code.

1. See Section 20.4 for additional design standards. Alternative design standards that an applicant may propose, that provide equal or greater structural stability and longevity, may be considered by the Township after consultation with the Township Engineer and if adequate engineering data is submitted for analysis.
2. The Township may reduce this radius to no less than 150' where such reduction would minimize alteration of important natural features such as rolling terrain or mature tree stands, or where the width of the parcel cannot accommodate a wider radii, provided such reduction is found to adequately accommodate expected traffic speeds.
3. Centerline of ditches or swales shall be treated as follows:
  - 0.5% – 4.0%: Topsoil, seeding, and mulch.
  - 4.1% – 6.0%: Topsoil and sodding or seed blankets/matting.
  - 6.1% – 10%: Riprap lining.
4. A Class 4 road exceeding 500' in length shall meet Class 3 private road design standards for the first 500'.
5. Grades within 75' of an intersection shall not exceed 5.0%.

**End of Article 12**

## Article 13

### Additional Standards and Regulations for Specific Land Uses

#### **Section 13.1 Purpose and Applicability**

- A. Purpose:** The purpose of this Article is to establish standards and regulations for certain uses to minimize negative impacts upon adjacent uses and the Township as a whole, and encourage orderly development in coordination with surrounding conditions and in the development site itself. Where deemed beneficial, some Sections are accompanied by a further defined “purpose” statement.
- B. Applicability:**
1. Where this Article establishes a standard more stringent than that required elsewhere in this Ordinance, including Table 3-4 of Article 3, the standard of this Article shall apply unless otherwise specified.
  2. Any requirements of this Article regarding application submittal data, plans, and drawings shall be in addition to the data requirements of Article 14 - Site Plan Review and Article 15 - Special Land Uses.
  3. Compliance with the standards in this Article does not relieve the owner or operator of a permitted use from complying with requirements of other ordinances.

#### **Section 13.2 Adult and Child Day Care Facility, Group Home**

- A. General Standards:** See development standards of this Ordinance including signs (Article 8), off-street parking (Article 9), landscaping and screening (Article 10), environmental protection (Article 11), access and private roads (Article 12), accessory buildings (Section 20.8), and accessory structures (Section 20.9). See Table 3-4 of Article 3 for standards pertaining to lot area, width, frontage, setbacks, building height and lot coverage.
- B. Additional Standards and Requirements:**
1. A group home day care facility shall not be located closer than fifteen-hundred (1,500) feet to any of the following facilities as measured along road frontage maintained by the County Road Department:
    - a. Another group home day care facility licensed by the State of Michigan.
    - b. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
    - c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan.
    - d. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
  2. All outdoor play areas shall be enclosed with fencing, a minimum of five (5) feet high and shall comply with all administrative rules of PA 116 of 1973, as amended. No play area shall be located in the required front yard setback.
  3. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the surrounding area.
  4. No approval shall be granted prior to the applicant’s receipt of approval from the Michigan Office of Child and Adult Licensing unless required otherwise by law.
  5. The application shall specify the proposed daily hours of operation and the number of daily employees including the number residing within the facility. A group home day care facility shall not exceed sixteen (16) hours of operation during a twenty-four (24)-hour period.

#### **Section 13.3 Airports**

- A. General Standards:** See development standards of this Ordinance including signs (Article 8), off-street parking (Article 9), landscaping and screening (Article 10), environmental protection (Article 11), access and private roads (Article 12), accessory buildings (Section 20.8), and accessory structures (Section 20.9). See Table 3-4 of Article 3 for standards pertaining to lot area, width, frontage, setbacks, building height and lot coverage, except:
1. An airport shall not be established on any lot less than one-hundred eighty (180) acres in area and 1,500 feet in width.
- B. Additional Standards and Requirements:**
1. The lot shall have frontage on at least one (1) paved road classified by the County Road Department as a primary road according to PA 51 of 1951, and take its access from such road.
  2. No runway shall be located within seven-hundred fifty (750) feet of a lot line.
  3. No runway or other airport operations area shall be established within one thousand (1,000) feet of an existing dwelling.

4. See Sec. 13.4 regarding private landing strips.

### **Section 13.4 Private Landing Strips**

**A. General Standards:** See development standards of this Ordinance including signs (Article 8), off-street parking (Article 9), landscaping and screening (Article 10), environmental protection (Article 11), access and private roads (Article 12), accessory buildings (Section 20.8), and accessory structures (Section 20.9). See Table 3-4 of Article 3 for standards pertaining to lot area, width, frontage, setbacks, building height and lot coverage, except:

1. Maintenance and hangar buildings shall be located a minimum of two hundred (200) feet from all lot lines.

**B. Additional Standards and Requirements:**

1. Runways shall be set back a minimum of two hundred (200) feet from all lot lines.
2. Runways shall be twelve hundred (1,200) feet in land length and fifty (50) feet in width, with a clear approach in each direction of 10:1 (horizontal to vertical) for a distance of 10,000 feet, except where the applicant can demonstrate that the intended type of aircraft to be used has standard operational characteristics that make such standards excessive such as in the case of "ultra-light" aircraft.
3. Approval of landing strips shall not be made prior to the receipt of the Federal Aviation Authority's review of the proposed landing strip.

### **Section 13.5 Bed and Breakfasts**

**A. General Standards:** See development standards of this Ordinance including signs (Article 8), off-street parking (Article 9), landscaping and screening (Article 10), environmental protection (Article 11), access and private roads (Article 12), accessory buildings (Section 20.8), and accessory structures (Section 20.9). See Table 3-4 of Article 3 for standards pertaining to lot area, width, frontage, setbacks, building height and lot coverage.

**B. Additional Standards and Requirements:**

1. No bed and breakfast shall be permitted within a subdivision plat or site condominium or on any property where there exists another bed and breakfast within one thousand (1,000) feet, measured as a straight line distance between the structures.
2. A bed and breakfast shall not be part of a two-family or multiple family dwelling, and the exterior appearance of the structure shall be of a single family dwelling character.
3. Meals may be served to overnight guests only. No separate or additional kitchen facilities shall be provided for the guests.
4. The number of bedrooms available for use by guests shall not exceed six (6) and all rooms utilized for sleeping shall be part of the dwelling.
5. No receptions, private parties or activities, for which a fee is paid, shall be permitted except as may be expressly authorized in association with the special land use approval of a bed and breakfast.
6. Lavatories and bathing facilities shall be available to all persons using the premises, at a minimum rate of one (1) bathroom for each three (3) bedrooms available to guests.
7. No parking shall be in a road right-of-way or within a required front yard.
8. The outdoor storage of solid waste shall not exceed fifty (50) sq. ft.
9. The sale or offer for sale of goods is permitted provided such sales area does not exceed fifty (50) square feet in floor area.
11. All guest rooms shall comply with the State Construction Code and the rules and regulations of the County Health Department, and shall be in a single building that also includes the dwelling unit of the owner of the lot.

### **Section 13.6 Day Care Centers**

**A. General Standards:** See development standards of this Ordinance including signs (Article 8), off-street parking (Article 9), landscaping and screening (Article 10), environmental protection (Article 11), access and private roads (Article 12), accessory buildings (Section 20.8), and accessory structures (Section 20.9). See Table 3-4 of Article 3 for standards pertaining to lot area, width, frontage, setbacks, building height and lot coverage.

**B. Additional Standards and Requirements:**

1. A child drop-off area shall be provided outside of any road right-of-way or easement.
2. A day care center shall provide a minimum of one-hundred (100) sq. ft. of outdoor play area per child cared for, but shall not be less than 1,000 sq. ft.
3. Day care center buildings authorized in Agricultural and Residential Districts shall be of an overall residential character including exterior construction materials and general architecture.



4. No approval shall be granted prior to the applicant's receipt of approval from the Michigan Office of Child and Adult Licensing unless required otherwise by law.

### **Section 13.7 Convalescent, Nursing Homes and Assisted Living Facilities**

**A. General Standards:** See development standards of this Ordinance including signs (Article 8), off-street parking (Article 9), landscaping and screening (Article 10), environmental protection (Article 11), access and private roads (Article 12), accessory buildings (Section 20.8), and accessory structures (Section 20.9). See Table 3-4 of Article 3 for standards pertaining to lot area, width, frontage, setbacks, building height and lot coverage, except:

1. The maximum building height standard of Table 3-4 may be exceeded provided all minimum yard setbacks are increased by two (2) feet for each one (1) foot that the building height standard is exceeded, but in no case shall a building exceed forty-five (45) feet in height.
2. In the case of single and two-family dwellings, such dwellings shall comply with the setback standards of the R-3 District. In the case where lot lines are not present, setbacks shall be measured from where such lot lines may typically be expected if developed as a platted subdivision or site condominium.

**B. Additional Standards and Requirements:**

1. The lot shall have frontage on at least one (1) paved road classified by the County Road Department as a primary road according to PA 51 of 1951, and take its access from such road.
2. A minimum of fifteen percent (15%) of the lot shall be set aside as open space and recreation and leisure areas. As part of this minimum required fifteen percent (15%) area, there shall be provided easily accessible and usable areas for walking, sitting, and general relaxation, in an amount equal to a minimum of one hundred (100) square feet per patient bed and dwelling unit but in no case shall this outdoor usable area be less than ten thousand (10,000) sq. ft. and no single area shall be less than one thousand (1,000) sq. ft.
3. Retail sales and support services are permitted provided such sales and services are clearly accessory in character and are located or otherwise designed to discourage use by persons other than patients and residents of the facility and visitors of such facility.
4. Adequate measures shall be made for clear and convenient access to all major entrances for emergency medical services.
5. In the case where the facility includes one (1) or more multiple family dwellings, such buildings shall also comply with Sec. 13.16.

### **Section 13.8 Equestrian Centers**

**A. General Standards:** See development standards of this Ordinance including signs (Article 8), off-street parking (Article 9), landscaping and screening (Article 10), environmental protection (Article 11), access and private roads (Article 12), accessory buildings (Section 20.8), and accessory structures (Section 20.9). See Table 3-4 of Article 3 for standards pertaining to lot area, width, frontage, setbacks, building height and lot coverage, except:

1. An equestrian center that is to be used for horse shows or horse competitions, at which more than fifty (50) persons are to be permitted to observe, shall be located on a lot not less than ten (10) acres in area and three-hundred thirty (330) feet in width.

**B. Additional Standards and Requirements:**

1. No public viewing areas, such as bleachers or designated assembly and viewing areas in association with special events such as shows, exhibitions, and contests, shall be permitted within one hundred (100) feet of a lot line.
2. The facility shall be constructed and maintained so that manure, dust, and drainage shall not create a nuisance or hazard to adjoining uses.
3. The application shall identify the maximum capacity of buildings intended to house gatherings for events, and the proposed maximum number of attendees at outdoor events.

### **Section 13.9 Warehousing, Storage and Transfer Establishments, and Truck Terminals**

**A. General Standards:** See development standards of this Ordinance including signs (Article 8), off-street parking (Article 9), landscaping and screening (Article 10), environmental protection (Article 11), access and private roads (Article 12), accessory buildings (Section 20.8), and accessory structures (Section 20.9). See Table 3-4 of Article 3 for standards pertaining to lot area, width, frontage, setbacks, building height and lot coverage, except:

1. Minimum lot area shall be two (2) acres.

**B. Additional Standards and Requirements:**

1. The parking and storage of vehicles, excluding employee parking, shall be within an enclosed building or parking structure or otherwise located so as to reduce or eliminate the visibility of such parking and storage areas. In no case shall such parking and storage occur in the required front yard setback or in front of the principal building, whichever is greater.
2. The parking and storage of vehicles, excluding employee parking, shall be set back a minimum distance of one hundred (100) feet from an existing dwelling.
3. There shall be no repair of vehicles except within an enclosed building.
4. All vehicles shall be licensed and fully operational except those under repair within an enclosed building.

### **Section 13.10 Junkyards**

**A. General Standards:** See development standards of this Ordinance including signs (Article 8), off-street parking (Article 9), landscaping and screening (Article 10), environmental protection (Article 11), access and private roads (Article 12), accessory buildings (Section 20.8), and accessory structures (Section 20.9). See Table 3-4 of Article 3 for standards pertaining to lot area, width, frontage, setbacks, building height and lot coverage, except:

1. The lot shall have a minimum area of ten (10) acres and a minimum width of three-hundred (300) feet.

**B. Additional Standards and Requirements:**

1. The operation shall be licensed by the Michigan Secretary of State.
2. A solid fence or wall enclosure at least seven (7) feet in height, but no greater than ten (10) feet in height, shall be provided around all sides of the area used to store, dismantle, or otherwise work on junk. Such fence or wall shall comply with the setback requirements of Table 3-4 but in no case shall be less than fifty (50) feet. The fence shall be of sound construction, painted or otherwise finished neatly and inconspicuously. All activities shall be confined to within the enclosed area including storage or stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all equipment and operative and inoperative vehicles. There shall be no stocking of material above the height of the enclosure.
3. There shall be no storing, dismantling, or other work on junk within two-hundred (200) feet of a church, school, public building, park, cemetery, Residential District, or lot used for residential purposes.
4. No junkyard shall be used for the dumping or disposal of household, commercial, or industrial garbage and trash.
5. Outdoor burning is prohibited.
6. Between the hours of 5:00 p.m. and 8:00 a.m., all processes involving the use of equipment for cutting, compressing, dismantling and packaging shall be conducted within a completely enclosed building.
7. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust, and shall be maintained free of debris and refuse.
8. All dismantling shall be performed on a concrete surface that is sealed to prohibit liquids passing through, and which drains to a holding tank for subsequent disposal in compliance with state and federal law.
9. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Environment, Great Lakes, and Energy. A daily log shall be maintained, documenting any hazardous materials received and hazardous materials disposed, and the source of such materials and the manner of disposal including the name of any transport service employed. The log shall be made available for inspection by the Township.
10. No inoperable vehicle shall be maintained on the site for more than three (3) days except where all fluids and other hazardous materials in such vehicle, including but not limited to batteries, fuels, oils, and coolants, are fully drained. Such fluids shall be disposed of in accordance with all local, county, state and federal regulations. The leaking of such materials onto the ground is prohibited.

11. All junk material shall be fully removed from the site prior to the termination of said use.
12. The lot shall have frontage on at least one (1) paved road classified by the County Road Department as a primary road according to PA 51 of 1951, and take its access from such road.
13. A management office within a building shall be maintained on the lot and occupied at all times that the facility is operational or otherwise accessible by the public.
14. An application for a junkyard shall specify the type of salvage material to be received and/or collected, methods of separation and/or recycling, the destination of waste or recycled materials, and a site maintenance program.

### **Section 13.11 Kennels**

**A. General Standards:** See development standards of this Ordinance including signs (Article 8), off-street parking (Article 9), landscaping and screening (Article 10), environmental protection (Article 11), access and private roads (Article 12), accessory buildings (Section 20.8), and accessory structures (Section 20.9). See Table 3-4 of Article 3 for standards pertaining to lot area, width, frontage, setbacks, building height and lot coverage, except:

1. The lot shall be a minimum of five (5) acres in area and three hundred (300) feet in width.
2. Buildings where animals are kept shall not be located closer than one hundred (100) feet to any lot line.

**B. Additional Standards and Requirements:**

1. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor. The site plan application materials shall document the manner in which animal stalls are to be constructed and animal waste is to be disposed, and measures to be taken to protect against odors, fleas, and the spread of disease.
2. All animals shall be currently licensed as provided by law and maintained in a healthful and careful manner, and all kennel operations shall comply with all applicable county, township, state and federal regulations.
3. Kennel buildings used to house animals shall have concrete floors throughout and shall be fully enclosed, heated, ventilated, and insulated in such a manner that animal noises are minimized.
4. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.
5. Outdoor runs, pens and play and exercise areas shall not be located closer than one hundred (100) feet to any lot line.
6. Outdoor runs, pens and play and exercise areas that are within two hundred (200) feet of an existing dwelling, such areas shall be screened from the existing residence by a solid fence or wall of a minimum height of four (4) feet.
7. Outdoor runs, pens or play and exercise yards shall not be used between the hours of 11:00 p.m. and 6:00 a.m., and in the case of outdoor runs, pens or exercise yards that are within two hundred (200) feet of an existing dwelling, such areas shall be screened from the existing residence by a solid fence or wall of a minimum height of four (4) feet.
8. Animals shall be kept confined and not allowed to run at large on the property except as part of supervised training.

### **Section 13.12 Mini/Self Storage Facilities**

**A. General Standards:** See development standards of this Ordinance including signs (Article 8), off-street parking (Article 9), landscaping and screening (Article 10), environmental protection (Article 11), access and private roads (Article 12), accessory buildings (Section 20.8), and accessory structures (Section 20.9). See Table 3-4 of Article 3 for standards pertaining to lot area, width, frontage, setbacks, building height and lot coverage.

**B. Additional Standards and Requirements:**

1. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.
2. There shall be a minimum of thirty (30) feet between storage buildings for driveway, parking, and fire lane purposes. Where no parking for loading or unloading is permitted within the building separation areas, said building separation need only be twenty-two (22) feet. Traffic direction and parking shall be designated by signaling, signs or painting.
3. No retail, wholesale, fabrication, manufacturing, office or service activities may be conducted from storage units.
4. Storage units shall not contain more than one thousand (1,000) sq. ft. each.
5. All storage shall be within the enclosed building area unless specifically provided for otherwise as part of an approved site plan, as in the storage units that shall be within a building, except that the outdoor

storage of recreational vehicles and water craft may occur where expressly permitted according to an approved site plan. No outdoor storage shall occur within a front yard and within fifty (50) feet of a side and rear lot line.

6. Retail sales shall be permitted from an on-site office building provided such sales and display area shall not exceed one hundred (100) sq. ft. of floor area and products for sale shall be limited to those customarily used on-site in association with the storage compartments.
7. A single residence may be established on the same lot as the mini-storage facility provided it is occupied only by a caretaker or other similar employee of the facility. Such residence shall meet the minimum dwelling standards established by this Ordinance.

### **Section 13.13 Contractor's Yard**

**A. General Standards:** See development standards of this Ordinance including signs (Article 8), off-street parking (Article 9), landscaping and screening (Article 10), environmental protection (Article 11), access and private roads (Article 12), accessory buildings (Section 20.8), and accessory structures (Section 20.9). See Table 3-4 of Article 3 for standards pertaining to lot area, width, frontage, setbacks, building height and lot coverage.

**B. Additional Standards and Requirements:**

1. The parking and storage of vehicles and materials including waste materials shall be within an enclosed building or otherwise located on the lot so as to reduce or eliminate the visibility of such parking and storage areas. In no case shall such parking and storage occur in the required front yard setback or in front of the principal building, whichever is greater.
2. The parking and storage of vehicles and materials including waste materials shall be set back a minimum distance of one hundred (100) feet from an existing dwelling.
3. All vehicles shall be licensed and fully operational except those vehicles under repair within an enclosed building.

### **Section 13.14 Motels and Hotels**

**A. General Standards:** See development standards of this Ordinance including signs (Article 8), off-street parking (Article 9), landscaping and screening (Article 10), environmental protection (Article 11), access and private roads (Article 12), accessory buildings (Section 20.8), and accessory structures (Section 20.9). See Table 3-4 of Article 3 for standards pertaining to lot area, width, frontage, setbacks, building height and lot coverage, except:

1. Minimum lot area shall be one (1) acre.

**B. Additional Standards and Requirements:**

1. Each unit shall contain at least a furnished bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.
2. Motels and hotels shall provide customary services such as maid service, linen service, and telephone and/or desk service.
3. A hotel or motel may include accessory services including meeting rooms and restaurants provided such uses are contained within the motel building, comply with the provisions of this Ordinance including adequate off-street parking in addition to the motel itself, and such uses are made part of the zoning permit application for which approval is granted.
4. An operator's or caretaker's residence may be established within the motel only.

### **Section 13.15 Open Air Businesses (On-Site Sales of Vehicles, Landscape Supplies, Outdoor Furniture, and Similar Outdoor Sales)**

**A. General Standards:** See development standards of this Ordinance including signs (Article 8), off-street parking (Article 9), landscaping and screening (Article 10), environmental protection (Article 11), access and private roads (Article 12), accessory buildings (Section 20.8), and accessory structures (Section 20.9). See Table 3-4 of Article 3 for standards pertaining to lot area, width, frontage, setbacks, building height and lot coverage, except:

1. The minimum lot area shall be two (2) acres.

**B. Additional Standards and Requirements:**

1. A building of more than two hundred (200) square feet in area shall be provided, which functions in association with the business and includes potable water and sewage disposal facilities in compliance with the County Health Department.
2. All outdoor sales, storage and display areas shall comply with the minimum setback standards for the building on the premises according to Table 3-4 of Article 3.
3. Outdoor broadcasting of voice or music is prohibited.
4. In the case of vehicle sales or service, the following shall apply:
  - a. All repair, assembly, disassembly or maintenance of vehicles shall occur within an enclosed building except minor maintenance including tire and wiper replacement but excluding oil changes.
  - b. All vehicle display and storage areas shall be asphalt or concrete-paved except where the approving body determines such paving is not necessary due to the prohibition of public access to such areas, the limited use of such areas on a day-to-day basis, or other reasons the approving body finds applicable.

**Section 13.16 Multiple Family Developments**

**A. General Standards:** See development standards of this Ordinance including signs (Article 8), off-street parking (Article 9), landscaping and screening (Article 10), environmental protection (Article 11), access and private roads (Article 12), accessory buildings (Section 20.8), and accessory structures (Section 20.9). See Table 3-4 of Article 3 for standards pertaining to lot area, width, frontage, setbacks, building height and lot coverage, except:

1. The minimum side yard setback shall be increased to one hundred (100) feet along any portion of a lot line shared by a Residential District that authorizes single-family dwellings.
2. The minimum rear yard setback shall be increased to one hundred (100) feet along any portion of a lot line shared by a Residential District that authorizes single-family dwellings.

**B. Additional Standards and Requirements:**

1. The minimum distance between any two buildings on the lot shall be fifty (50) feet plus an additional five (5) feet for each story above the first story, except that the minimum distance between any two buildings that are generally arranged end-to-end shall be thirty (30) feet plus an additional five (5) feet for each story above the first story.
2. No building shall exceed two hundred fifty (250) feet in length except upon a finding by the site plan approving body that architectural features and/or other site conditions support the building's scale with the surrounding area.
3. There shall be provided easily accessible and usable open space in an amount of fifteen percent (15%) or more of the site area or one hundred (100) sq. ft. per dwelling unit, whichever is greater, but in no case shall less than ten thousand (10,000) sq. ft. be provided. All usable open space shall be accessible by emergency officials.
4. Buildings shall be a minimum twenty-five (25) feet from the edge of a parking lot and access drives not otherwise comprising a road right-of-way.
5. In no case shall a residential building be more than one hundred fifty (150) feet from the parking lot from which it is served.
6. Accessory buildings, structures, and uses that are clearly customary and incidental to the functioning of the development are permitted, such as business and administrative offices, laundry facilities, auxiliary storage for tenants, and event and pool buildings.
7. All access drives shall have a minimum pavement width of thirteen (13) feet for one-way travel and twenty-four (24) feet for two-way travel.
8. The minimum floor area for multiple family dwelling units shall be as follows:
  - a. Efficiencies: 400 sq. ft. of heated living area.
  - b. One bedroom units: 550 sq. ft. of heated living area.
  - c. Two bedroom units: 750 sq. ft. of heated living area.
  - d. Three or more bedroom units: 950 sq. ft. of heated living area, plus 150 sq. ft. of heated living area for each additional bedroom in excess of the third bedroom.

### **Section 13.17 Veterinarian Clinics**

**A. General Standards:** See development standards of this Ordinance including signs (Article 8), off-street parking (Article 9), landscaping and screening (Article 10), environmental protection (Article 11), access and private roads (Article 12), accessory buildings (Section 20.8), and accessory structures (Section 20.9). See Table 3-4 of Article 3 for standards pertaining to lot area, width, frontage, setbacks, building height and lot coverage, except:

1. Buildings where animals are kept shall be set back a minimum of one hundred feet (100) from a lot line adjacent to or in a Residential District, or to any adjacent building used by the general public, and shall not be located in any required setback area.

**B. Additional Standards and Requirements:**

1. Outdoor dog runs, paddocks, and/or exercise areas shall be set back a minimum of one hundred feet (100) from a lot line adjacent to or in a Residential District, or to any adjacent building used by the general public, and shall not be located in any required setback area.
2. Uses permitted include medical treatment, retail sales of animal care products, and boarding of animals under care. No boarding other than for animals receiving medical treatment shall be permitted, except where approval has been granted for a kennel.
3. All activities, except exercise or dog run areas for dogs or paddocks associated with the keeping of animals in excess of three-hundred (300) pounds, shall be conducted within a totally enclosed building.
4. Outdoor runs, pens or exercise yards shall not be used between the hours of 11:00 p.m. and 6:00 a.m. The approving body may lessen these time restrictions where such facilities are fully screened by a solid fence or wall of a minimum height of five (5) feet.
5. An adequate enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.

### **Section 13.18 Vehicle / Car Wash Establishments**

**A. General Standards:** See development standards of this Ordinance including signs (Article 8), off-street parking (Article 9), landscaping and screening (Article 10), environmental protection (Article 11), access and private roads (Article 12), accessory buildings (Section 20.8), and accessory structures (Section 20.9). See Table 3-4 of Article 3 for standards pertaining to lot area, width, frontage, setbacks, building height and lot coverage.

**B. Additional Standards and Requirements:**

1. The facility shall have frontage on and gain direct access to a paved road.
2. All washing activities shall be carried on within an enclosed building or under a covered structure with side walls separating individual washing bays.
3. Outdoor vacuuming activities shall be set back a minimum of one hundred (100) feet from an Agricultural, Conservation or Residential District. Self-service bays shall be located a minimum of fifty (50) feet from an Agricultural, Conservation or Residential District.
4. Maneuvering and stacking lanes shall be provided to ensure sufficient room to avoid waiting cars encroaching into a road right-of-way. For self-service bays, a minimum of two (2) stacking spaces shall be provided for accessing each bay and one (1) space shall be provided upon exiting each bay.
5. Each bay shall be graded and drained to collect run-off originating in the bay.
6. Trash containers shall be provided and emptied as necessary to prohibit litter.

### **Section 13.19 Vehicle Repair Shops and Service Stations**

**A. General Standards:** See development standards of this Ordinance including signs (Article 8), off-street parking (Article 9), landscaping and screening (Article 10), environmental protection (Article 11), access and private roads (Article 12), accessory buildings (Section 20.8), and accessory structures (Section 20.9). See Table 3-4 of Article 3 for standards pertaining to lot area, width, frontage, setbacks, building height and lot coverage.

**B. Additional Standards and Requirements:**

1. The lot shall have frontage on at least one (1) paved road classified by the County Road Department as a primary road according to PA 51 of 1951, and take its access from such road.
2. Vehicles rendered inoperative for any reason shall not be maintained on the property for more than thirty (30) days and shall be maintained on the lot only for the purpose of repair or transfer. This time restriction shall not apply in the case where the vehicle in question is actively undergoing a transfer of title. Inoperative vehicles shall be parked or stored in a building, or behind a fully screened area in a side or rear yard and with no less than a six (6) foot high fence. Such fence shall be set back a minimum of twenty (20) feet from side and rear lot lines.
3. All vehicles on the lot shall have a valid registration and license plates.

4. Bumping and painting of vehicles is prohibited except as part of an approved vehicle repair shop.
5. The sale of vehicles is prohibited.
6. All lighting mounted to the underside of a canopy shall be fully recessed.
7. All vehicle service areas shall be of a paved asphalt or concrete surface.
8. Hydraulic hoists, service pits, lubricating, greasing, washing, repair equipment and repair work shall be located within a completely enclosed building, excluding air hoses, and all storage of fenders, mechanical or engine parts, tires and other vehicle parts and materials shall occur in such structure.
9. Fuel pumps, pump canopies, and above and below ground storage of fuel and other flammable materials shall be set back a minimum distance of twenty-five (25) feet from all lot lines except the setback shall be increased to fifty (50) feet where the adjacent lot is in an Agricultural, Conservation or Residential District. Setbacks for canopies shall be measured from the edge of the canopy.
10. Driveways and ingress/egress areas shall comply with the following:
  - a. Driveways shall be set back a minimum of twenty (20) feet from side and rear lot lines, and the setback shall be increased to forty (40) feet where the adjacent lot is in an Agricultural, Conservation or Residential District.
  - b. No driveway or ingress/egress area shall exceed twenty-five (25) feet in width as measured at the road right-of-way line unless otherwise required by the County Road Department.
  - c. No ingress/egress area shall be closer than sixty (60) feet to intersecting roads, and to another ingress/egress area on the same lot along the same road frontage, as measured along the road right-of-way line between the nearest edges of such ingress/egress area or intersecting roads.
  - d. No more than two (2) points of ingress/egress shall be established along a county primary road and no more than one (1) point of ingress/egress shall be established along a county local road, as classified by the County Road Department according to Public Act 51 of 1951.
11. The application shall identify the extent, quantities, and types of explosive, flammable, or otherwise hazardous materials that may be used, and the measures to be used for proper handling, storage, and disposal of such materials.

### **Section 13.20 Open Space Preservation Communities (OSPC)**

**A. Purpose:** It is the purpose of Open Space Communities (OSPC) to provide opportunities for residential development which, because of the more flexible standards available to OSPCs under this Section and according to Section 506 of the Michigan Zoning Enabling Act, more effectively encourage the preservation of open spaces and natural resources including woodlands, wetlands and sensitive environmental areas, and the Township's rural character. The regulations of this Section intend to accomplish these purposes, in part, by providing for the grouping or clustering of new homes on smaller lots than typically required by the District within which the OSPC is to be located, so that the remainder of the site can be preserved as open space.

#### **B. Additional Standards and Requirements:**

1. Uses: Uses within an OSPC shall be limited to those dwelling types authorized by the District in which the OSPC is located and customary accessory uses to dwellings, in addition to the open space as required by this Section.
2. Number of Lots/Dwellings: The number of dwellings and lots authorized in an OSPC shall be the number attainable by the Conventional Plan according to subsection (C)(2) below plus an additional twenty-five percent (25%).
3. Minimum Lot Area and Width
  - a. Lot Area: The minimum lot area for a dwelling shall be that which is necessary for acquisition of all required public health permits and approvals including potable water and on-site sewage disposal where such public utilities are not available. Where such public utilities are provided, the minimum lot area shall be no less than thirty-five percent (35%) of the normally required lot area of the respective District according to Table 3-4 of Article 3.
  - b. Lot width: Minimum lot widths for dwellings shall be of such dimension so that no lot has a depth greater than four (4) times its width, but in no case shall a lot be less than sixty (60) feet in width.
4. Setbacks
  - a. The following minimum setbacks shall apply except that in no case shall a building be located within seventy-five (75) feet of the perimeter lot line of the OSPC project lot. Where the approving body finds the natural or proposed topography, vegetation, or other conditions provide adequate screening and buffering within the context of surrounding development patterns, the seventy-five (75) foot setback may be reduced by no greater than fifty percent (50%).
    - 1) Front Yard: Twenty-five (25) feet.
    - 2) Side Yard: Ten (10) feet.
    - 3) Rear Yard: Twenty (20) feet.

- b. See Section 11.3 regarding setbacks in association with natural resources buffer areas.
- 5. Guarantee of Open Space: An OSPC shall include permanently dedicated open space. Such required open space shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, acceptable to the approving body. Further subdivision of open space land or its use for other than conservation, agricultural uses, or preservation in an undeveloped state, is prohibited. The applicant shall guarantee to the satisfaction of the approving body that all open space portions of the development will be maintained in perpetuity and in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal.
  - a. For the purposes of this Section, “undeveloped state” shall be construed to mean a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. For the purposes of this Section, “greenway” shall be construed to mean a contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.
  - b. The open space conveyance shall:
    - 1) Indicate the proposed allowable use(s) of the dedicated open space.
    - 2) Require that the dedicated open space be maintained by parties who have an ownership interest in the open space, and establish a funding mechanism to ensure the same.
    - 3) Provide for maintenance to be undertaken by the Township, in the event that the dedicated open space is inadequately maintained or is determined by the Township Board to be a public nuisance, with the assessment of costs upon the property owners.
- 6. Open Space Preservation Area, Character, and Priorities
  - a. A minimum of fifty percent (50%) of the OSPC parcel shall be designated as permanent open space. In no case shall the required open space area be characterized by year-round submerged land such as ponds, lakes, and year-round submerged wetlands. In addition, no more than fifty percent (50%) of the required open space area shall be characterized by wetlands not otherwise submerged year-round.
  - b. Open space shall be located to meet the following objectives:
    - 1) To preserve water courses and bodies, Michigan Department of Energy, Great Lakes and Environment-regulated wetlands, floodplains, and mature woodlands. Other on-site natural resources shall also be considered in the location of open spaces and overall design of the project including farmland, tree lines, wetlands not regulated by the Michigan Department of Energy, Great Lakes and Environment, and panoramic rural views.
    - 2) To promote the effective preservation of the existing character along the exterior public road frontages that the OSPC abuts.
    - 3) To ensure the open space area is of a unified character comprised predominantly of large contiguous areas, except where special conditions may exist that support a more fragmented configuration of open space.
- 7. Fire Protection: Fire protection measures shall be provided in all OSPCs that include a potable water system, and in OSPCs that are generally characterized by more than four (4) lots of less than twenty thousand (20,000) sq. ft. and are more than three (3) miles from the nearest fire station. Fire protection measures shall include an adequate on-site source of water for use by the local fire department and associated infrastructure to enable the local fire department to effectively respond to a fire emergency.
- 8. Vehicular and Pedestrian Access and Circulation
  - a. All dwellings within an OSPC shall gain access from an interior road within the OSPC.
  - b. A non-motorized circulation system may be required along one or both sides of the roads of the OSPC and/or through other portions of the OSPC, to ensure safe non-motorized travel. The circulation system shall be coordinated with existing or planned pedestrian ways, roads, and activity centers in the area. Non-motorized circulation networks shall encourage ease of access from residences to the designated open space areas.
  - c. Access points or paths shall be provided to afford pedestrian access to designated open space and common areas. These access points shall link the open space to the road system, sidewalks, or the remainder of the development.
  - d. All public roads shall conform to the requirements and standards of the County Road Department. All private roads shall conform to the requirements and standards of this Ordinance.



**C. Special Application and Approval Requirements:** OSPCs are subject to site plan approval according to Article 14 (Site Plan Review) in addition to the following:

1. **Unified Control:** The application shall demonstrate that the proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
2. **Conventional Plan:** At the time the applicant submits a site plan for the OSPC, the applicant shall also submit a conventional plan which shall illustrate a practical and reasonable manner for developing the project parcel according to the conventional development standards of the District in which it is located including the normally required minimum lot area and width. This plan shall identify the total number of lots and dwellings reasonably attainable. The approving body shall make the final determination as to the number of dwellings and lots reasonably attainable by conventional design. This information shall be used when determining the permissible number of dwellings and lots for an OSPC proposal.
  - a. The conventional plan need not be an engineered set of construction drawings, but shall be of such detail and clarity to demonstrate likely conformance with all state, county and township regulations including, but not limited to, potable water and sewage disposal, storm water management including necessary detention and retention ponds, and general road layout and construction. The conventional plan shall demonstrate the feasibility of the proposed plan both in regard to its construction and its negligible impact upon sensitive environmental resources including wetlands and drainage courses and, in doing so, shall include the following: natural features such as wetlands, woodlands, floodplains, streams, rivers, county drains, lakes, ponds, and topography (at two-foot intervals), and man-made features such as existing roads, structures, utilities, easements, and adjacent land use conditions. A conventional plan shall not be considered if it does not provide the necessary level of detail or information to assess such conventional plan for the purposes of subsection (2) above.
3. **Recording of Approval Action/Permit Issuance:** The applicant shall record an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final approval, and declaring that all improvements will be carried out in accordance with the approved OSPC plan unless a change is approved by the Township Board. In addition, all deed restrictions and easements shall be duly filed with the Register of Deeds of the County. Copies of recorded documents shall be presented to the Zoning Administrator. Upon receipt of the recorded documents, the Zoning Administrator shall issue a zoning permit for the OSPC.

### **Section 13.21 Recreation Facilities, Outdoor**

**A. General Standards:** See development standards of this Ordinance including signs (Article 8), off-street parking (Article 9), landscaping and screening (Article 10), environmental protection (Article 11), access and private roads (Article 12), accessory buildings (Section 20.8), and accessory structures (Section 20.9). See Table 3-4 of Article 3 for standards pertaining to lot area, width, frontage, setbacks, building height and lot coverage, except:

1. Principal and accessory buildings shall be set back at least one-hundred (100) feet from all lot lines, unless otherwise specified in this Section.
2. See Subsections (B) – (F) for additional exceptions applicable to specific facility types.

**B. Additional Standards and Requirements Applicable to All Outdoor Recreation Facilities:**

1. Accessory retail or commercial facilities, such as food and beverage facilities or equipment shops, shall be designed to serve only the patrons of the outdoor recreation facility unless the retail or commercial facility is listed as a permitted use in the district in which the facility is located.
2. In the case where the facility is to generate a daily average of more than one-hundred (100) vehicles arriving to the facility, the facility shall have frontage along and have direct access to a paved primary road as classified by the County Road Department according to Public Act 51 of 1951.
3. Applications shall include documentation demonstrating adequate liability insurance.
4. All outdoor facilities shall be maintained free of litter. Applications for outdoor recreation facilities shall identify trash and litter control measures.

**C. Additional Standards and Requirements Applicable to Drive-In Theaters:**

1. The minimum lot area shall be twenty (20) acres and the minimum lot width shall be five-hundred (500) feet.
2. Parking, movie screens, restrooms, ticket booths and other support facilities shall be set back a minimum of one hundred (100) feet from lot lines.
3. Parking, movie screens, restrooms and other support facilities excluding ticket booths, shall be enclosed by an opaque fence at least seven (7) feet in height and such fencing shall be set back a minimum of twenty (20) feet from lot lines.
4. No entrance or exit shall be located within two hundred (200) feet of an intersection of two (2) public roads.

**D. Additional Standards and Requirements Applicable to Campgrounds:**

1. The minimum lot area shall be fifteen (15) acres and shall have a minimum width of five hundred (500) feet.
2. Buildings, structures, areas designated for camping, and areas devoted to the storage or parking of vehicles not otherwise part of camp sites, shall be located a minimum of one hundred (100) feet from all property lines.
3. Each campsite shall be at least fifteen hundred (1,500) square feet in size for campsites designed to serve motor homes, trailers, and similar vehicles. Campsites designed for tent camping shall be at least six hundred (600) square feet in size.
4. Utilities serving the campground shall have sufficient capacity to serve the campground when in full use. Each campsite shall either be provided with individual water and sewer hookups approved by the County Health Department or shall have convenient access to approved service buildings.
5. Campground sites shall be available from March 15 through October 15 only except where the Township Board expressly authorizes extended operations as part of the campground application approval, considering such factors as the adequacy of utility services and emergency access measures. One (1) permanent dwelling may be established to serve only as the residence for a year-round manager or caretaker.
6. A convenience store may be permitted to operate within a campground as an accessory and subordinate use to the campground where the campground exceeds more than forty (40) campsites, the approving body determines that the proposed location will significantly discourage use of the store by non-campers, and such use is expressly authorized as part of an approved campground application.
7. Each campsite shall be clearly identified by stakes or markers.
8. Each campsite shall have a picnic table and if fires are permitted, a designated place for such fires.
9. A common use area shall be provided at a rate of five hundred (500) square feet per campsite, except that a minimum of ten thousand (10,000) square feet shall be provided.
10. Access roads shall be a minimum of twenty-two (22) feet in width and any dead-ended access drives shall be provided a minimum forty (40) foot diameter turn around.
11. Campgrounds shall comply with all rules and regulations of the Michigan Department of Environment, Great Lakes, and Energy, and County Health Department, including provisions pertaining to potable water, shower facilities, restrooms, and maximum capacity of persons per campsite.

**E. Additional Standards and Requirements Applicable to Shooting Ranges:**

1. Minimum lot area shall be forty (40) acres for outdoor firearm shooting activities and shall be ten (10) acres for all other outdoor shooting activities including archery-only and paintball-only facilities.
2. Minimum lot frontage and width shall be one thousand (1,000) feet for outdoor firearm shooting facilities and shall be six hundred (600) feet for all other outdoor shooting activities including archery-only and paintball-only facilities.
3. An outdoor shooting range's boundaries shall be fenced with a minimum four (4) foot high fence with signs posted no less than fifty (50) feet apart along the fence stating "Danger Shooting Range" or similar warning. All vehicular access shall be controlled by locked gates.
4. A site plan for the range, whether indoor or outdoor, shall clearly indicate all safety provisions to prohibit any projectile discharged within the confines of a shooting range from exiting the range.
5. All indoor and outdoor activities, including the shooting of projectiles and storage of projectiles, shall comply with the most current published standards and guidelines of the National Rifle Association and Field Archery Association, as applicable, and shall comply with federal, state and county rules and regulations.

6. Outdoor shooting shall be restricted to the following days:
  - a. Saturdays and Sundays.
  - b. One (1) weekday per week as specified by the applicant in the shooting range application, and twelve (12) additional days, referred to as "floating days," throughout the calendar year. In no case shall there be more than four (4) consecutive floating days. Floating days shall be subject to the following.
    - 1) No floating day shall be operated except upon a minimum seven (7) day written notice by the shooting range, to the Township Clerk, of such planned floating day.
    - 2) No floating day shall be operated except upon a minimum seven (7) day written notice by the shooting range, by first class mail, to persons that annually file their name and address with the shooting range by first class mail, for the receipt of such notices.
7. Outdoor shooting or other discharging of firearms shall be restricted to the following hours:
  - a. Saturdays and Sundays, from 10:00 a.m. to sunset as specified by the National Weather Service.
  - b. Weekdays, from 12:00 a.m. noon to sunset as specified by the National Weather Service.
8. Outdoor shooting ranges shall be configured to minimize the potential for lead to enter surface waters, ground water and wetlands. Application materials shall include a lead management plan that shall specify measures to address the containment, migration, removal and disposal of lead.
9. No firearm shall be discharged within one thousand (1,000) feet of a dwelling existing or under construction at the time of the approval of an outdoor shooting range application.
10. No firearm shall be discharged in the absence of a facility manager at the facility.

**F. Additional Standards and Requirements Applicable to Golf Courses, Country Clubs and Driving Ranges:**

1. All principal and accessory buildings, and outdoor swimming pools and surrounding deck areas, shall be setback a minimum of one hundred (100) feet from any lot in an Agricultural or Residential District.
2. Minimum lot size shall be twenty (20) acres and the minimum lot width shall be six hundred sixty (660) feet.
3. Golf courses and country clubs shall have direct access onto a paved public road.
4. No driving station shall be located within seventy-five (75) feet of any lot line. Where necessary, buffering conditions shall be in place to minimize the impact or safety threats upon adjacent land uses.
5. Fairways and driving ranges shall have sufficient width and shall be oriented and set back in such a manner to prevent golf balls from being hit outside the perimeter of the golf course. The minimum width for fairways shall be two hundred (200) feet, unless the golf course designer can demonstrate that, because of the location of trees, sand traps, berms, etc., a narrower fairway will not compromise safety. Fairways shall be designed so that existing or future dwelling units are located a minimum of two hundred (200) feet from the center of the fairway.
6. Accessory uses may include managerial facilities, maintenance sheds, restrooms, lockers, restaurants and drinking establishments, racket sports, swimming facilities, clubhouses, and other uses having a customary accessory relationship with a country club, provided all standards of this Ordinance are met and the approving body determines that such uses are clearly accessory and subordinate in character to the principal use of the lot as an outdoor recreational facility.
7. A minimum fifty (50) foot buffer zone between turf areas and natural water bodies, watercourses or wetlands shall be maintained. The buffer zone may be selectively pruned or thinned, and weeds and dead plant material may be removed. However, the buffer shall consist of natural vegetation and shall not be chemically treated.
8. At least one (1) shelter building with toilet facilities shall be provided per nine (9) holes. The shelter shall meet all requirements of the County Health Department and local building codes.
9. A hydrogeological study shall be completed and submitted to document the anticipated impact of the golf course on groundwater supply. This study shall inventory and analyze well logs from surrounding properties, giving consideration to the depth of the wells and quality of water. The study shall further estimate the quantity of water that will be used on a daily basis during the peak watering periods and shall evaluate the impact of watering operations on surrounding wells. The study shall be performed by an engineer licensed in Michigan or a hydrologist certified by the American Institute of Hydrology.
10. Detailed plans for hazardous materials storage shall be provided. Buildings in which hazardous materials are stored shall be designed to contain spills, shall not have floor drains that discharge into a septic system or other pathway to the groundwater, shall be lockable, and shall be kept locked. An inventory manifest of stored hazardous materials must be posted at the entrance of the storage building and filed with the Township Clerk and local fire department. Plans for emergency containment and clean-up shall also be provided.

11. The design of buildings shall be of an overall residential or lodge character and exterior materials shall be primarily wood, siding, stone and/or brick. Domed driving ranges are prohibited in Agricultural, Conservation and Residential Districts.
12. A single residence may be established on the same lot as a golf course provided it is occupied only by a caretaker or other similar employee of the facility.
13. Golf course and driving range boundaries shall be adequately marked to minimize unintended trespass and/or injury. Fencing may be required where the site plan approving body determines a more effective measure of protection is necessary.

### **Section 13.22 Extraction Operations**

**A. Additional Materials to be Submitted:** In addition to the information required by Article 14 for site plan review, the following information shall be provided:

1. Location of all buildings within two hundred (200) feet of any activity proposed for the site.
2. Detailed proposal as to 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.
3. Detailed description of the material to be extracted, the anticipated average amount of material to be extracted each year, the total estimated area to be devoted to extraction, the planned progression of extraction across the site and corresponding time frames, the location of each principal phase, number of acres included in each phase, and the estimated length of time to complete extraction of each phase.
4. Proposed plans for fencing.
5. Depth to and directional flow of groundwater, and analysis data documenting the extent to which the extraction operation may undermine surface and ground water conditions of nearby properties such as in the case of lowering water levels of surface water bodies and ground water resources from which wells rely.
6. Proposed side slopes and depths for all portions of the extracted area, including interim and final slopes.
7. Detailed storm water management plans that delineate how runoff is to be removed from extraction areas including the delineation of proposed interim and finished grading and revegetation, directional flow of swales and other drainage courses, settling ponds and retention/detention ponds, points of discharge of runoff, the avoidance of stagnant ponding, and measures to minimize erosion and sedimentation of existing on-site and off-site water bodies.
8. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
9. A detailed reclamation plan that complies with the following:
  - a. Describes in detail the intended reclamation use of the site upon completion of extraction activities, the spatial arrangement of proposed reclamation uses, and preliminary final grading of the site.
  - b. Depiction of finished, stabilized, side slopes, and provisions for revegetation and stabilization.
  - c. The inclusion of a landscape plan, including an inventory of plant/tree species to be used, sizes, and locations, and the manner in which vegetation shall be restored upon the site including appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface to minimize erosion. The landscape plan shall provide that a layer of arable topsoil shall be spread over the excavated area, except exposed rock surfaces, to a minimum depth of six (6) inches in accordance with an approved grading plan and intended reclamation use.
  - d. Final slopes shall not be greater than thirty degrees (30°) within twelve (12) feet of a lot line and no greater than forty-five degree (45°) slopes elsewhere.
  - e. No noxious, flammable or toxic backfill and grading materials shall be used.
  - f. The removal of all rubbish, debris, structures, buildings, and equipment within 365 days of the termination of extraction operations.
  - g. The inclusion of a reclamation schedule that provides, in part, that reclamation shall be carried out progressively so as to ensure that no active extraction area exceeds five (5) acres in area unless expressly authorized otherwise upon a finding that no practical alternatives exist and the public health, safety and welfare shall be ensured.

**B. General Standards:** See development standards of this Ordinance including signs (Article 8), off-street parking (Article 9), landscaping and screening (Article 10), environmental protection (Article 11), access and private roads (Article 12), accessory buildings (Section 20.8), and accessory structures (Section 20.9). See Table 3-4 of Article 3 for standards pertaining to lot area, width, frontage, setbacks, building height and lot coverage, except:

1. Minimum lot area shall be twenty (20) acres.
2. Minimum lot width shall be four hundred (400) feet.
3. Notwithstanding any other minimum setbacks required by this Ordinance, all extraction activities, including alteration of existing topographic conditions, fixed and temporary buildings and equipment, washing and stockpiling of materials, truck parking and truck storage areas, shall be set back a minimum distance of one hundred (100) feet from all lot lines and two hundred (200) feet from a residence existing at the time an application is approved.

**C. Additional Standards and Requirements:**

1. Rumble strips shall be provided along access drives to discourage the tracking of dirt onto adjacent roads. Public streets within one thousand (1,000) feet of the exit of the extraction site shall be kept reasonably clear on a daily basis of mud, dirt and debris from vehicles exiting the site.
2. Measures shall be employed as necessary to prohibit windborne dust, sand, or other materials from leaving the extraction site, including the seeding of exposed earth, use of berms and vegetative screens, and the application of chemicals to non-vegetated areas provided such chemicals are biodegradable and non-toxic.
3. No topsoil shall be removed from the extraction site except as may be delineated on an approved site plan or otherwise authorized as part of an approval of the extraction operation.
4. Extraction areas shall be graded in a fashion which will not cause water to accumulate in stagnant pools.
5. Truck or heavy vehicle traffic related to extraction operations shall use major thoroughfares for access to the greatest extent feasible. The applicant shall make an adequate financial guarantee with the County Road Department to address any additional road maintenance and/or improvements necessitated by extraction operation truck traffic.
6. Extraction operations, including crushing, washing, processing, loading and transport operations, shall commence no earlier than 7:00 a.m. and cease no later than 7:00 p.m. on weekdays and, on Saturdays between May 1st through September 30th, shall commence no earlier than 7:00 a.m. and cease no later than 5:00 p.m. Extraction operations shall not occur on Sundays. A modification of these limitations may be made upon a finding that specific conditions are present or are to be established that support more lenient limitations, provided such modifications shall not undermine public health, safety or welfare, or otherwise unreasonably interfere with the continued use and enjoyment of properties in the general area.
7. All temporary structures shall be removed from the premises upon completion of the extraction activity unless said structures are of sound construction and are compatible with the approved reclamation plan.
8. The site shall be rehabilitated progressively as extraction areas are worked or abandoned so that they shall be in a condition of being entirely lacking in hazards and be inconspicuous, and blended with the general surrounding ground form. Reclamation of the site concurrent with extraction activities shall be undertaken to the extent that the reclamation activities will not interfere with the excavating activity or if the extraction activity will damage the reclaimed areas. Extraction areas shall be reclaimed pursuant to the approved reclamation plan. The excavator shall be required to post an acceptable performance guarantee pursuant to Section 2.6 of this Ordinance to address the reclamation costs for each five (5) acres of land to be disturbed or fraction thereof. Extraction activities shall not be initiated on any location of the site until such performance guarantee has been posted for that area of the site. See Section 13.22(A) for the required content of the reclamation plan.
9. Any expansion of an extraction operation beyond that area covered by a valid zoning permit shall be subject to the special land use provisions of Article 15.
10. Any performance guarantee that may be required according to Section 2.8 may cover anticipated yearly or other periodic inspections.
11. All areas that are subject to current extraction operations, or past extraction operations but which have yet to be reclaimed or otherwise exhibit slopes in excess of 3:1 (horizontal to vertical), shall be fenced to a minimum height of four (4) feet and the fencing shall comply with the minimum building setbacks of Table 3-4 of Article 3. Any gates made part of such fencing shall be secured at all times when the site is unattended by the operator. Such fencing shall include signs no less than three (3) square feet in area

and spaced no greater than one hundred (100) feet apart, with the following or similar notice: “Warning – Danger, Excavation in Progress.”

**D. Abandonment/Termination of Use:**

1. An operator shall submit written notice to the Zoning Administrator of the abandonment of an extraction operation within six (6) months of such abandonment.
2. When extraction operations have ceased for more than three hundred sixty-five (365) consecutive days or when, by examination of the premises or other means, the Zoning Administrator determines that the extraction operation has been abandoned, the Zoning Administrator shall give the owner written notice of the intent to declare the extraction operation abandoned. Within thirty (30) days following receipt of such notice, the owner shall have an opportunity to submit evidence that the use of the extraction operation, or portion thereof, has not been abandoned.
3. The Township Board shall then render a decision as to the extent to which extraction operations may continue or the operation shall be declared as abandoned. Upon a declaration of abandonment, the owner shall complete all provisions of the approved reclamation plan not otherwise completed to date, within six (6) months of such declaration, except upon a finding by the Township Board that there exist special or unique conditions that support a different time frame for completion.
4. Where an extraction operation has been declared abandoned, a new application and permit shall be necessary before additional extraction activities may occur.

**E. Time Limitation on Permit:** A permit for an extraction operation shall be valid for five (5) years. No less than six (6) months prior to the ending of the first five (5) year permit period and every subsequent five (5) year permit period thereafter, the applicant shall submit project status documents delineating the status of extraction operations to date including the current limits of extraction, reclamation efforts undertaken and completed to date, updated phasing plans for the remainder of the approved extraction area, and the status of any alleged violations and corrective actions. The Township Board shall consider such documents and the recommendation of the Zoning Administrator, and upon finding such documents are satisfactory, the Township Board shall renew the permit for an additional five (5) years. The Township Board shall not deny the renewal of such permit if the extraction operation is in compliance with this Ordinance and the approved zoning permit and all conditions made part of the permit.

**F. No Very Serious Consequence:** When reviewing and taking action on a special land use application for an extraction operation, and in addition to reviewing such application according to the general special land use approval standards of Section 15.6, such application shall also be reviewed to determine whether adequate documentation has been submitted demonstrating that “no very serious consequences” will result by the approval of such application. The determination of “no very serious consequence” may be based on any of the following factors as may be applicable:

1. The relationship of extraction and associated activities with existing land uses.
2. The impact on existing land uses in the vicinity of the property.
3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
5. The impact on other identifiable health, safety, and welfare interests in the Township.
6. The overall public interest in the extraction of the specific natural resources on the property.

**Section 13.23 Sexually Oriented Businesses**

**A. Purpose:** There is convincing documented evidence that sexually oriented businesses, because of their very nature, can facilitate and support undesirable and detrimental patterns of activity in their vicinity. These impacts are incompatible with activities and uses in residential areas, near educational, recreational, and religious facilities, and among local businesses and their immediate neighborhood. Such impacts can be exacerbated when such businesses locate in close proximity to each other or near establishments serving alcoholic beverages. Impacts contribute to blight and downgrading the quality of life in the adjacent area. The Township desires to prevent adverse effects and thereby protect the health, safety, and welfare of the citizenry, preserve the property values and character of surrounding neighborhoods and deter the spread of blight. It is not the intent of this Ordinance, including this Section, to suppress any activity protected by the First Amendment of the United States Constitution or the Michigan Constitution, but to enact content neutral provisions that address the adverse effects of sexually oriented businesses. It is the purpose of this Section to regulate sexually oriented businesses and related activities to promote the health, safety, and general welfare. It is not the intent of this Section to condone or legitimize the distribution of sexually oriented materials.

**B. Definitions:** For the purposes of this Section, the following terms, phrases and definitions shall apply:

1. **Adult Bookstore:** A commercial establishment that, as a principal business purpose, offers for sale or rental or for any form of consideration any one or more of the items set forth in subsection (a) or (b). The sale of such materials shall be deemed to constitute a "principal business purpose" if it comprises ten percent (10%) or more of sales volume or occupies ten percent (10%) or more of the display area or visible inventory within the establishment.
  - a. Books, magazines, periodicals or other printed matter or photographs, films, motion picture video or other video reproductions, slides, or other visual representations or media, that depict or describe specified anatomical areas or specified sexual activity.
  - b. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
2. **Adult Live Entertainment Center:** A nightclub, bar, restaurant, or similar commercial establishment that features one (1) or more of the following:
  - a. Persons who appear in the state of nudity.
  - b. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.
  - c. Films, motion pictures, video reproductions, slides, and other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
3. **Adult Motel:** A hotel or motel or similar commercial establishment that provides or permits one (1) or more of the following:
  - a. Accommodations to the public for any form of consideration and provides patrons with closed-circuit television (as distinguished from commercial cable services) transmissions, films, motion pictures, videos, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
  - b. Sleeping rooms for rent for a period of time that is less than twelve (12) hours.
  - c. The sub-renting of a sleeping room for a period of time that is less than twelve (12) hours by the tenant or occupant of the room.
4. **Adult Motion Picture Theater:** A commercial establishment that shows films, motion pictures, videos, slides, or other photographic reproductions or visual media, that depicts or describes specified anatomical areas or specified sexual activities, including commercial establishments that offer individual viewing booths, where the number of showings exceed ten percent (10%) of all showings over any twenty-four (24) hour period. "Adult Motion Picture Theater" shall not apply to a motel or hotel, as defined in this Ordinance, which offers the viewing of movies within a customer's room.
5. **Adult Sexual Paraphernalia Store:** An establishment having, as part of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal.
6. **Adult Theater:** A theater, concert hall auditorium, or similar commercial establishment that features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of specified anatomical areas or specified sexual activities.
7. **Escort Agency:** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration. An "escort" shall be construed to mean a person who, for any form of consideration and regardless of who pays that consideration, agrees to act or offers to act as a companion or date for another person, or who agrees or offers to privately model lingerie or to privately perform dancing for another person.
8. **Manager's Station:** A designated area from which a premises is managed or supervised.
9. **Massage Parlor:** Any establishment having a fixed place of business where massages are administered for a fee or other consideration including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing homes, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, face, neck, or shoulders. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area, nor practices of massage therapists who meet two (2) or more of the following criteria:
  - a. Proof of graduation from a school of massage licensed by the State of Michigan.
  - b. Official transcripts verifying completion of at least three hundred (300) hours of massage training from an American community college or university; plus three (3) references from professional massage therapists who are members of a massage association referred to in this section.

- c. Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or other recognized massage association with equivalent professional membership standards.
- d. A current occupational license from another state.
- 10. Nude Model Studio: Any place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include the following:
  - a. An educational institution funded, chartered, or recognized by the State of Michigan.
  - b. Any modeling session for a local, nonprofit organization that is not open to the public or to any persons other than members of the organization, that is for the purpose of instruction in the artistic depiction in two (2) dimensional or three (3) dimensional media of the human form, during which no specified sexual activities occur and during which the model remains in a fixed pose.
- 11. Open Dance Hall: An establishment where open dancing by patrons is available during at least four (4) days per week with or without partners furnished by the establishment.
- 12. Public Nudity or State of Nudity: Knowingly or intentionally displaying in a public place, or in any other place for payment or promise of payment by any person, including, but not limited to payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
  - a. A woman's breast feeding of an infant irrespective of whether the nipple is covered during or incidental to the feeding.
  - b. Any display of any part of the anatomy occurring as part of the regular curriculum of an educational institution that is funded, chartered, or recognized by the State of Michigan.
- 13. Sexual Encounter Center: A business or commercial enterprise, except that which is part of the practice of and under the supervision and control of a physician, psychologist or psychiatrist licensed to practice in Michigan, that, as one of its principal business purposes, offers for any form of consideration one (1) or more of the following:
  - a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex.
  - b. Activities between male and female and/or persons of the same sex when one (1) or more of the persons are in a state of nudity.
- 14. Sexually Oriented Business: A business or commercial enterprise engaging in or consisting of an adult bookstore, adult live entertainment center, adult motel, adult motion picture theater, adult sexual paraphernalia store, adult theater, escort, escort agency, massage parlor, nude model studio, open dance hall, or sexual encounter center.
- 15. Specified Anatomical Areas: Any of the following:
  - a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast at or below the top of the areola.
  - b. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
- 16. Specified Sexual Activities: Any of the following:
  - a. The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
  - b. Sex acts, actual or simulated, including intercourse, masturbation, oral copulation or sodomy;
  - c. Masturbation, actual or simulated.
  - d. Human genitals in a state of sexual stimulation or arousal.
  - e. Excretory functions as part of or in connection with any of the activities set forth in (a) – (d) above.

**C. General Standards:** See development standards of this Ordinance including signs (Article 8), off-street parking (Article 9), landscaping and screening (Article 10), environmental protection (Article 11), access and private roads (Article 12), accessory buildings (Section 20.8), and accessory structures (Section 20.9). See Table 3-4 of Article 3 for standards pertaining to lot area, width, frontage, setbacks, building height and lot coverage.

**D. Additional Standards and Requirements:**

- 1. No exterior portion of the sexually oriented business, including signage, shall have any words, lettering, photographs, silhouettes, drawings, or pictorial representations of specified anatomical areas or specified sexual activities.
- 2. All doors providing access into or from the interior of an adult entertainment shall be doors that serve the adult entertainment use only and provide direct access to the outdoors such as in the case of a parking lot or other common outdoor area. No adult entertainment use shall be accessed from an indoor common area such as in the case of an enclosed mall or similar access arrangement. These limitations shall not prohibit an adult entertainment use from being part of a building devoted to multiple tenants or



uses provided direct access to the adult entertainment use is from the outdoors only and such access serves the adult entertainment use only.

3. Separation Requirements
  - a. No sexually oriented business shall be located within seven hundred fifty (750) feet of any of the following:
    - 1) A church, synagogue or regular place of worship.
    - 2) A public or private elementary or secondary school.
    - 3) A Residential District.
    - 4) A dwelling irrespective of the District.
    - 5) A public park.
    - 6) A licensed day-care center or preschool.
  - b. No sexually oriented business shall be located within one thousand (1,000) feet of any other sexually oriented business.
  - c. For the purposes of subsection (3)(a) and (b) above, measurement shall be made as a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted to the nearest property line of the premises of a public park, church, synagogue, regular place of worship, public or private elementary or secondary school or preschool, or licensed day care center, or to the nearest boundary of a Residential District or dwelling. However, the distance between any two (2) sexually oriented business uses shall be made from the closest exterior wall of the structure in which each business is located and in no case shall a sexually oriented business be located in the same building, structure, or portion thereof, containing another sexually oriented business.
  - d. A sexually oriented business lawfully operating as a conforming use shall not be rendered a non-conforming use by the subsequent location of a use within the separation requirements of subsection (3)(a) and (c) above.
4. Signs of a minimum 24" by 36" size shall be posted on both the exterior and interior walls of the entrances of the business, in a location that is clearly visible to those entering and exiting the business. In addition, such signs shall be posted in at least two (2) conspicuous places, easily viewed by persons occupying the premises. Such signs shall have lettering that is at least two (2) inches in height, with the following printed statements:
  - a. Persons under the age of eighteen (18) years are not permitted to enter the premises.
  - b. No alcoholic beverages of any type are permitted within the premises unless specifically authorized by a permit issued under this Ordinance and pursuant to a license duly issued by the Michigan Liquor Control Commission.
5. No merchandise or activities of the establishment shall be visible from any point outside the establishment including through doors and windows.
6. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level.
7. A sexually oriented business that offers live entertainment shall provide all of the following:
  - a. A dressing room for performers with direct access between said dressing area and the performance area or stage, so that the performer may enter the performance area without entering the area from which patrons view the performance. The dressing area for performers shall be separate and not freely accessible from areas of the business accessible to patrons, and such dressing area shall contain hot and cold running water and toilet facilities.
  - b. All performances shall occur on a stage elevated at least eighteen inches (18") above the immediate floor level and removed at least six feet (6') from the nearest employee or patron.
8. A manager's station shall be provided.
  - a. At least one (1) employee shall be on duty and situated in a manager's station at all times that any patron is present inside the premises.
  - b. The manager's station shall be clearly identifiable, shall be no greater than fifty (50) sq. ft. in area, and shall be raised a minimum of eighteen (18) inches above the floor elevation to which the public has access.
9. The interior of the premises shall be configured in such a manner that there is an unobstructed view from the manager's stations of every area of the premises to which any patron is permitted access for any purpose excluding rest rooms. Said unobstructed view from manager's stations shall remain unobstructed by any doors, walls, merchandise or display racks, or other materials at all times. No patron shall be permitted to access any area of the premises which has been designated on the approved site plan as an area in which patrons shall not be permitted.
10. Rest rooms shall not contain any video reproduction equipment.

**E. Additional Application Requirements:** In addition to complying with the submittal requirements of Article 14, Site Plan Review, and Article 15, Special Land Uses, application for a sexually oriented business shall include the following additional information:

1. A diagram of the premises specifying the location of manager's stations.
2. The location of all overhead lighting fixtures and illumination levels (in foot candles) at floor level throughout the premises.
3. Any portion of the premises in which patrons are not permitted.

**Section 13.24 Solar Energy Systems (SES)**

**A. Definitions.** For the purpose of this Section and Tables 3-2 and 3-3 of Article 3, the following terms and phrases shall have the corresponding definitions:

1. **Solar Energy System (SES):** A system consisting of a device or combination of devices, structures or parts thereof, that collect, transfer or transform solar radiant energy into thermal, chemical or electrical energy, excluding systems that substantially rely on mirrors or similar technologies to focus solar radiant energy onto a considerably smaller area, and sometimes referred to as "concentrated solar power" systems or "CSP" systems.
2. **Small Solar Energy System (Small SES):** A solar energy system that relies on roof mounted and/or ground-mounted collection systems that have a total cumulative surface area of no more than two-thousand (2,000 sq. ft.). A Small SES is typically intended to principally serve a single residential unit, agricultural operation, business or other singular facility, located on the same lot as the Small SES.
3. **Medium Solar Energy System (Medium SES):** A solar energy system that relies on roof mounted and/or ground-mounted collection systems that have a total cumulative surface area of more than two-thousand (2,000 sq. ft.) but not more than ten-thousand (10,000) sq. ft. A Medium SES is commonly intended to produce energy for use principally in association with multiple dwellings, businesses and/or other facilities, on a single lot on which the system is located and/or for use by off-site properties and persons.
4. **Large Solar Energy System (Large SES):** A solar energy system that relies on roof mounted and/or ground-mounted collection systems that have a total cumulative surface area of more than ten-thousand (10,000) sq. ft. and/or is used principally to provide service to customers not located on the same lot as the SES, irrespective of the cumulative area of the panels. A Large SES is commonly intended to produce energy for use principally in association with multiple dwellings, businesses and/or other facilities on a single lot on which the system is located and/or for use by off-lot properties and persons including in association with energy utility providers.
5. **Self-Contained Solar Energy Systems:** Solar energy systems that do not exceed four (4) square feet in total solar collector panel area, and intended to provide energy to operate a device to which such panel is attached such as in the case of a panel powering an exterior light or an attic fan.
6. **Solar Collection Panels:** Panels and/or tiles comprised of semiconductor devices and typically referred to as photovoltaic cells, which collect and convert solar energy directly into electricity. Ground-mounted solar collection panels are panels attached to the ground by a pole, metal frame or other similar support structure.

**B. General Standards:** See development standards of this Ordinance including signs (Article 8), off-street parking (Article 9), landscaping and screening (Article 10), environmental protection (Article 11), access and private roads (Article 12), accessory buildings (Section 20.8), and accessory structures (Section 20.9). See Table 3-4 of Article 3 for standards pertaining to lot area, width, frontage, setbacks, building height and lot coverage.

**C. Additional Standards and Requirements**

1. **Small Solar Energy Systems (Small SES)**
  - a. **Small SES Authorization, Review and Approval Procedures:** A Small SES is an authorized accessory use/structure in all districts. Small SES shall be subject to Zoning Administrator approval. An application for a Small SES shall include all information required for a plot plan according to Section 2.4 including the delineation of all SES structures and facilities, and all structures on adjacent properties within one hundred (100) feet of a shared lot line.
  - b. **Small SES General Provisions:** Small SES collection panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties and public roads. The applicant shall submit documentation to verify compliance with this section. When deemed necessary, the Zoning Administrator may require a report from a qualified person with documented training, certification and/or licensing in glare associated with SES including training in the use of computer software designed to assess glare potential, attesting to the glare and radiation impact on nearby properties and public roads.

- c. Small SES Roof-Mounted Systems: Small SES roof-mounted systems are not subject to the height restrictions of the district in which they are to be located.
  - d. Small SES Ground-Mounted Systems
    - 1) Small SES ground-mounted collection panel systems and associated equipment shall comply with the standards for accessory structures according to Section 20.9 except that in no case shall the panels exceed fifteen (15) feet in height as measured from the ground below.
    - 2) If a ground-mounted Small SES ceases to operate or is abandoned for six (6) months, or is deemed by the Building Inspector to be unsafe or not consistent with the building code, the applicant shall repair and restore the system to good working order within thirty (30) days of notification by the Zoning Administrator unless the Zoning Administrator determines a longer period is necessary due to conditions not within the control of the applicant, or otherwise remove the system in its entirety including posts, equipment, panels, foundations and other features, and restore the ground to its preconstruction state.
- 2. Medium Solar Energy Systems (Medium SES)**
- a. Medium SES Authorization, Review and Approval Procedures: A Medium SES is permitted as an accessory use only, and only in the A-R, R-MF, C-1, C-2 and I-1 Districts. A Medium SES shall be subject to site plan approval according to Article 14.
  - b. Medium SES General Provisions
    - 1) Medium SES collection panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties and public roads. The applicant shall submit a report to the Planning Commission, prepared by a qualified person with documented training, certification and/or licensing in glare associated with SES including training in the use of computer software designed to assess glare potential, attesting to the glare and radiation impact on nearby properties and public roads and verifying compliance with this section.
  - c. Medium SES Roof-Mounted Systems: Medium SES roof-mounted systems are not subject to the height restrictions of the district in which they are to be located.
  - d. Medium SES Ground-Mounted Systems
    - 1) Ground-mounted Medium SES solar collection panels are prohibited in a front yard.
    - 2) Panels and associated equipment shall comply with the standards for accessory structures according to Section 20.9 except that ground-mounted solar collection panels shall not exceed eighteen (18) feet in the LS, HS and LI Districts and fifteen (15) feet in height in all other districts.
    - 3) In the case of ground-mounted solar panels located on a lot that is adjacent to a lot in an Agricultural, Conservation or Residential District, where the panels are to be located within one hundred (100) feet of a shared lot line with such lot, screening shall be provided along such segments of the shared lot line. The screening shall consist of evergreen trees of a minimum of six (6) feet in height at the time of planting and with a projected growth rate of a minimum of six (6) inches per year and to a minimum projected height of twenty (20) feet, and spaced no greater than twelve (12) feet apart measured on-center. The site plan shall specify the proposed plant material according to common name, botanical name, and minimum planting size. All plant material shall be maintained in a healthy condition to provide the intended screening, shall be permitted to grow according to its natural habit, and shall be replaced upon death or disease.
      - a) In the case where a dwelling is present within the above specified one hundred (100) foot distance, a second row of tree plantings shall be provided and placed no greater than twelve (12) feet from the first row as measured on-center, with the second row of trees positioned in a staggered formation to the first row so as to have trees spaced at no greater than six (6) feet on-center as viewed from the shared lot line.
      - b) Required screening need not be in the immediate area of the panels that the plantings are intended to screen if the planting locations provide for the intended screening effect. No tree shall be located within five (5) feet of a lot line.
      - c) The Planning Commission may decrease plant spacing and/or height requirements by a maximum fifty percent (50%) where specific conditions warrant such modifications such as, by example only, the adjacent property is vacant and not likely to be developed within the next five (5) years based on nearby development trends during the preceding five (5) years, where natural features are present that serve to assist in the screening of the panels such as topographic or vegetative conditions, or where existing structures will assist in the screening of the panels. The Township may further modify planting requirements, as it determines appropriate, upon the receipt of a notarized document signed by an adjacent landowner and attesting to the landowner's desire for lesser screening.

- d) Nothing in subsection (c) shall be construed as requiring tree plantings along a road right-of-way.
- 4) Ground-mounted Medium SES shall comply with the Small SES requirements regarding cessation of operations, abandonment and disrepair.
- 5) Fencing that may be installed as part of a ground-mounted Medium SES shall be exempt from the fence height restrictions of this Ordinance including Section 20.11, subject to site plan review, but in no case shall such fencing exceed seven (7) feet in height. Where fencing is to be erected in excess of five (5) feet in height, a minimum of fifty percent (50%) of the required tree plantings shall be on the exterior side of the fencing. Where fencing is to restrict the free flow of air by more than ten percent (10%) opacity of the fence, the Planning Commission may require additional vegetative screening measures to minimize the visual impact of such fencing. Fencing details shall be submitted as part of the required site plan.
- 3. **Large Solar Energy Systems (Large SES)**
  - a. Large SES Authorization, Review and Approval Procedures: Large SES are permitted as a special land use only, and only according to Table 3-2 of Article 3.
  - b. Large SES General Provisions: Large SES shall comply with the site development standards of subsection (2) for Medium SES.
- 4. **Self-Contained Solar Energy Systems**: Self-Contained Solar Energy Systems are permitted in all districts and may be erected without the issuance of a zoning permit, subject to the restrictions of this Section. Ground-mounted self-contained solar energy systems and associated equipment shall comply with the standards for accessory structures according to Section 20.9. Roof-mounted self-contained solar energy systems and associated equipment shall not be subject to the height restrictions of the District in which they are to be located.
- 5. **Exemption**: Roof-mounted solar energy systems that function as shingles or are otherwise shingle-like in general character are exempt from the regulations of this Section and are not subject to the issuance of a zoning permit.

### **Section 13.25 Wireless Communication Facilities**

- A. **Definitions**: For the purposes of this Section, the following phrases shall have the following meanings:
  - 1. Colocate/Colocation: To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound.
  - 2. Equipment compound: An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
  - 3. Wireless communications equipment: The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
  - 4. Wireless communications support structure: A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.
  - 5. Wireless Communication Facility: All structures and accessory facilities, and improvements thereto, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, equipment compounds, wireless communications equipment, and wireless communications support structures. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities, towers for personal communications only, and governmental facilities that are subject to state or federal law or regulations which preempt municipal regulatory authority.
  - 6. Class One Wireless Communication Facility: Any wireless communication facility and modifications thereto that meet all of the following requirements:
    - a. No construction or other improvements provide for the erection of a new wireless communications support structure, but may provide for an increase in height of an existing tower as provided by subsection (d)(1) below.
    - b. All proposed wireless communications equipment will be colocated on an existing wireless communications support structure or in an existing equipment compound.
    - c. The existing wireless communications support structure or existing equipment compound is in compliance with this Ordinance or was previously approved by the Township.
    - d. The proposed colocation of equipment shall not do any of the following:

- 1) Increase the overall height of the wireless communications support structure by more than 20 (twenty) feet or 10% (ten percent) of its original height, whichever is greater.
  - 2) Increase the width of the wireless communications support structure by more than the minimum necessary to permit colocation.
  - 3) Increase the area of the existing equipment compound to greater than twenty-five hundred (2,500) square feet.
  - 4) Be in violation of the terms and conditions of any previous final approval of the support structure or equipment compound by the then-designated approving body.
7. Class Two Wireless Communication Facility: The erection of a new wireless communications support structure, or any modification of an existing wireless communication facility that is not classified as Class One Wireless Communication Facility.

**B. Application, Review and Approval for Class One Wireless Communication Facility:** A Class One Wireless Communication Facility constitutes a use permitted by right in any district, subject to site plan approval according to Article 14.

1. Application Review Time Frame and Fees
  - a. After a Class One wireless communication facility application is filed with the Township, the Zoning Administrator shall determine whether the application is administratively complete. Unless the Zoning Administrator proceeds as provided under subsection (b) below, the application shall be considered to be administratively complete when the Zoning Administrator makes that determination or the passing of fourteen (14) business days after the Zoning Administrator receives the application, whichever occurs first.
  - b. If, before the expiration of the fourteen (14) day period under subsection (a) above, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under subsection (a) above is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed actual, reasonable costs to review and process the application or one thousand dollars (\$1,000.00), whichever is less.
  - c. The Planning Commission shall approve or deny the application not more than sixty (60) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

**C. Application, Review and Approval for Class Two Wireless Communication Facility:** A Class Two Wireless Communication Facility constitutes a special land use and shall be subject to this Ordinance's provisions addressing the same including compliance with Article 14 (Site Plan Review), Article 15 (Special Land Uses), and the following provisions. See Tables 3-3 and 3-4 of Article 3 regarding in which districts a Class Two wireless communication facility is authorized.

1. Application Review Time Frame and Fees: The provisions of subsection (B)(1) above shall apply to Class Two applications for wireless communication equipment except that the Township Board shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete.
2. Additional Application Requirements: In addition to submitting the information required for all special land use applications, including a site plan pursuant to Article 14, each applicant for a Class Two wireless communication facility shall provide the following additional information. Any information of an engineering nature that the applicant submits, whether civil, mechanical, electrical, or structural, shall be certified by a licensed professional engineer of applicable expertise registered in the State of Michigan.
  - a. An inventory of its existing towers, antennas, or sites approved for towers or antennas, that are within the Township and one (1) mile of the border thereof, including specific information about the location, height, and design of each tower, the distance from the proposed tower, the owner(s)/operator(s) of the existing tower(s), and any additional information that is relevant in terms of potential colocation or in demonstrating the need for the proposed facility.
  - b. Elevation drawings of the proposed tower and any other structures.
  - c. The distance between the proposed tower to dwellings within a one-half (1/2) mile radius, and the distance to Residential districts and platted and similar neighborhood developments.
  - d. Method of fencing and finished color and, if applicable, the method of camouflage.
  - e. A written statement by the applicant as to whether construction of the tower will accommodate colocation of additional antennae for future users.

- f. Identification of the entities providing the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, long distance providers, and/or the public switched telephone network (backhaul routes) for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
- g. A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures, to provide the services of the proposed new tower.
- h. Soils data and engineering implications for footing/foundation specifications.
- i. A certification by a professional engineer of applicable expertise licensed in the State of Michigan that all construction features of the tower comply with the requirements of all agencies having jurisdiction and the State Construction Code.
- j. A plan for the continued maintenance of the facility including the entity responsible for such maintenance and the entity's address and contact information.

**D. General Standards:** See development standards of this Ordinance including signs (Article 8), off-street parking (Article 9), landscaping and screening (Article 10), environmental protection (Article 11), access and private roads (Article 12), accessory buildings (Section 20.8), and accessory structures (Section 20.9). See Table 3-4 of Article 3 for standards pertaining to lot area, width, frontage, setbacks, building height and lot coverage, except:

- 1. The lot on which a tower is located shall comply with the minimum lot area requirement of Table 3-4. A smaller portion of said lot may be leased for tower purposes and such leased area need not comply with the area requirements of Table 3-4.
- 2. Class Two towers and antennas shall be set back from lot lines a minimum distance equal to one hundred ten percent (110%) of the tower's height, including antennas, measured from the leading edge of the tower's base to the respective lot line, except as follows:
  - a. In the case where the adjacent lot is occupied by a dwelling, the minimum setback from the dwelling shall be one hundred fifty percent (150%) of the tower's height.
  - b. Where the adjacent lot is within a Commercial or Industrial District, the minimum setback shall be one-half the height of the tower but not less than one-hundred (100) feet, measured from the shared lot line.
- 3. No tower shall exceed one hundred ninety-nine (199) feet in height, measured from the base of the tower to the highest point of the tower including antennas, except if in the opinion of the approving body, the applicant has sufficiently demonstrated that a proposed communication tower in excess of one hundred ninety-five (195) feet is necessary to adequately provide service to areas currently under served. All towers and antenna shall comply with the height restrictions of any airport management plan filed with and approved by the Michigan Aeronautics Commission.

**E. Additional Standards:**

- 1. Separation Distance Between Towers: No Class Two wireless communication facility, in excess of one-hundred (100) feet in height, shall be established within one (1) mile of another such facility except upon a finding by the approving body that a lesser distance is necessary to adequately serve an area currently under served and no practical alternative is available.
- 2. Fencing and Lighting
  - a. The base of a tower shall be enclosed by a minimum six (6) foot high fence with three (3) additional strands of barbed wire, and the tower base shall be equipped with anti-climbing measures.
  - b. Towers and antenna shall not be artificially lighted unless required by the Federal Aviation Administration or Federal Communications Commission. If lighting is required, the lighting plan shall cause the least disturbance to surrounding uses and shall not rely on strobe lighting except where required by the Federal Aviation Administration or Federal Communications Commission.
- 3. Tower Construction
  - a. Towers shall be of monopole construction. Guy wires are prohibited.
  - b. Towers shall be of a white, light gray, silver or other similar color that blends with the background sky, and shall be constructed of or treated with corrosive resistant material.
  - c. Towers and antennas including support systems, antenna mounts, structural and electrical components, and wind load resistance, shall comply with the most current regulations of the Federal Aviation Authority, Federal Communications Commission, Michigan Construction Code, and all other codes and agencies having jurisdiction, and shall be maintained in compliance.
  - d. All new communication towers shall be designed and constructed so as to accommodate colocation of a minimum of three (3) wireless communication facilities.
- 4. Landscaping and Signage
  - a. Signage shall be limited to emergency information only except as may be required by law.

- b. Trees shall be established, if not already present, that effectively screen the view of the tower facility from nearby residential properties, and shall provide for coniferous plantings spaced at no greater than twenty (20) feet apart and located within forty (40) feet of the perimeter of the tower facility and within any leased land area comprising the tower facility.
5. Presence of Personnel: No persons shall be located on a communication tower site except for the occasional presence of personnel associated with periodic maintenance or emergency conditions.
6. General Design: The design of buildings and structures shall, to the greatest extent practical, use materials, colors, textures and screening that will encourage their compatibility with surrounding buildings. Where an antenna is installed on a structure other than a tower, the antenna and supporting equipment shall be of a color to make the antenna and equipment as visually unobtrusive as reasonably practical. Accessory structures shall not exceed six-hundred (600) sq. ft. of gross floor area.
7. Colocation
  - a. Requirement for Colocation:
    - 1) A permit for the construction and use of a Class Two communication tower shall not be granted unless and until the applicant demonstrates that a feasible colocation is not available for the coverage area and capacity needs.
  - b. Feasibility of Colocation: Colocation shall be deemed to be feasible and practical for purposes of this subsection (7) except where satisfactory evidence is submitted demonstrating that no existing tower, structure or alternative technology can accommodate the applicants proposed antenna. Such evidence may consist of any of the following:
    - 1) No existing towers or structures are located within the geographic area that meets applicants engineering requirements.
    - 2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
    - 3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
    - 4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
    - 5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
    - 6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
    - 7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro cell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
8. Removal
  - a. Any tower that is not operated for a continuous period of three hundred sixty-five (365) days shall be considered abandoned, and the owner of such tower shall remove the same and the site shall be restored to the condition it existed prior to the placement of the tower within ninety (90) days of receipt of notice from the Zoning Administrator for such removal. In the case where there are multiple users of a single tower, removal of the tower shall be not be required until all users cease use of the tower for a continuous period of three hundred sixty-five (365) days.
  - b. If the required removal of a facility has not been completed within ninety (90) days of the condition specified in subsection (a) above, the facility may be removed with reliance on the security posted at the time application was made for establishing the facility.
9. Nonconforming Towers/Antenna: Nonconforming towers and antennas shall be subject to the provisions of Article 6, Nonconforming Lots, Uses, and Structures, except that a nonconforming tower or antenna that is damaged or destroyed may be rebuilt provided the new tower is of the same type, height, and location of the original tower, and the tower facility is of no greater intensity than the original facility. This provision shall apply provided all building permits for the new tower are acquired within one (1) year of the damage date. If such permits are not acquired within this time frame or said permits expire, the tower or antenna shall be deemed abandoned and subject to the removal provisions of subsection (8) above.

## **Section 13.26 Wind Energy Conversion Systems (WECS)**



**A. Definitions:** For the purpose of this Section and Ordinance, the following terms and phrases shall have the following meanings.

1. Ambient: The sound pressure level exceeded 90% of the time or L90.
2. ANSI: American National Standards Institute.
3. dB(A): The sound pressure level in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
4. dB(C): The sound pressure level in decibels of frequencies below 1k Hz. Refers to the “c” weighted scale defined by ANSI S1.43-1997.
5. Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.
6. Horizontal Axis Wind Energy System: A wind turbine design in which the shaft is parallel to the ground and the blades are perpendicular to the ground.
7. Hub Height: The vertical distance measured from ground level to the center of the turbine hub.
8. MET (meteorological) Tower: The structure and equipment used to determine the placement or potential placement of a WES, containing instrumentation such as anemometers designed to provide wind data.
9. (WES) Non-Participating Parcel: A parcel in the township that does not participate in a lease, easement or other agreement for the purpose of using the parcel for the placement of On-Site WES, Utility Scale WES, an MET Tower (of any size), or a Wind Energy Generation Facility. Non-Participating Parcel shall include a parcel that has granted a waiver for setbacks, sound or shadow flicker pursuant to this Ordinance even if value is exchanged for such waiver:
10. On-Site Use Wind Energy System (“On-Site WES”): A WES with the purpose of providing energy to only the property where the structure is located, or to adjacent properties under the same ownership or control as the property where the structure is located, or to adjacent properties with the consent of the owners of the property where the structure is located and the owners of the adjacent properties.
11. (WES) Participating Parcel: A parcel in the township that participates in a lease, easement or other agreement with an entity submitting a conditional use application for the establishment of a Utility Scale WES, MET Tower, a transmission line or any other WEGF related devices for the purpose of using the parcel for the placement of a Utility Scale WES, MET Tower, a transmission line or any other WEGF related devices. A Participating Parcel does not include a parcel that has granted a waiver for setbacks, sound or shadow flicker pursuant to this Ordinance even if value is exchanged for such a waiver. For On-Site WES, the Participating Parcel is the parcel where the structure is located.
12. Pre-Existing Sound Pressure Level: The amount of background sound at a given location prior to the installation of a WES which may include, but shall not be limited to traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The sound levels are to be measured on a dB(A) weighted scale as defined by the American National Standards Institute.
13. Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a WES casting shadows on the ground and stationary objects.
14. Sound Pressure: Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
15. Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
16. Total Height: Vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the Wind Energy System (WES) whichever is greater.
17. Utility Scale Wind Energy System: A WES principally designed and/or constructed to provide electricity to the local and/or regional electrical utility grid.
18. Vertical Axis Wind Energy System: A wind generator design where the rotating shaft is perpendicular to the ground and the cups or blades rotate parallel to the ground.
19. WES Rotor Diameter: The distance measured across the central potential swept area of a WES blade’s pattern.
20. Wind Energy System (WES): Equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system. Also refers to the term “wind turbine” or “wind generator”.
21. Wind Energy Generation Facility (WEGF): Electricity generating facility consisting of one or more Utility Scale wind turbines under common ownership or operational control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.



**B. Additional Information for On-Site WES or MET Tower Greater than 40 Feet in Height.** In addition to the information required by Article 14, the following additional information shall be submitted as part of an application for an On-Site WES or MET Tower greater than 40 feet in total height:

1. Name of property owner(s), parcel identification number and address.
2. Zoning classification of the Participating Parcel.
3. Proposed type, number and height of the On-Site WES or MET Towers to be constructed including the manufacturer and model, product specifications regarding noise output (measured in decibels; dB(A)), total rated generating capacity, dimensions, rotor diameter, and description of ancillary facilities (including but not limited to tower design, color, and wiring).
4. Evidence that the Michigan Public Service Commission and the subject utility company have been informed of the applicant's intent to install an interconnected, customer-owned generator and that such connection has been approved.
5. A map drawn to scale depicting the Participating Parcel's property lines, locations of existing roads and access drives, structures including above and below grade utility lines, public easements and existing mature vegetation.
6. The required setbacks shall be displayed upon the Participating Parcel's site plan.
7. The location(s) of the On-Site WES or MET Towers and its supporting electrical system's components including distances from existing structures, utility lines or any other possibly impacted items on-site.
8. An engineered set of plans illustrating the proposed On-Site WES or MET Towers shall be prepared or reviewed by a registered engineer.
9. Standard drawings of any proposed equipment for review of the structural components of the On-Site WES or MET Towers, including structures, towers, bases, and footings. A registered engineer's certification is required for all drawings and any necessary calculations that indicate that the system complies with all applicable local, state, and federal building, structural and electrical codes.

**C. General Standards:** See development standards of this Ordinance including signs (Article 8), off-street parking (Article 9), landscaping and screening (Article 10), environmental protection (Article 11), access and private roads (Article 12), accessory buildings (Section 20.8), and accessory structures (Section 20.9). See Table 3-4 of Article 3 for standards pertaining to lot area, width, frontage, setbacks, building height and lot coverage.

**D. Additional Standards and Requirements for On-Site WES or MET Towers Greater Than 40 Feet in Total Height:**

1. Public Health, Safety and Welfare: Installation of the proposed On-Site WES or MET Towers shall be consistent with the public health, safety and welfare of the Township.
2. State, Federal and Local Laws: On-Site WES and MET Towers shall comply with all State, Federal and local laws and regulations, including but not limited to the applicable requirements of the Federal Aviation Administration ("FAA"), the Michigan Airport Zoning Act and the Michigan Tall Structures Act. No On-Site WES or MET Towers shall be located on any property in such a manner as to interfere with the safe takeoff, approach and landing of aircraft at any non-publicly owned airport (See "publicly-owned" as defined by the Michigan Airport Zoning Act, as amended).
3. Technological Obsolescence: The On-Site WES and MET Towers shall minimize the adverse impacts of technological obsolescence of such equipment.
4. Visual Appearance
  - a. On-Site WES and MET Towers shall be required to be of a neutral, non-reflective, non-obtrusive color which shall be maintained throughout the life of the product.
  - b. On-Site WES and MET Towers shall not be artificially lighted except to comply with applicable FAA or other Federal, State or local requirements, or to the extent necessary for the reasonable safety and security thereof.
  - c. No advertising is permitted upon an On-Site WES or MET Tower. Additional items such as banners, streamers, flags and similar items are hereby prohibited from being attached to any On-Site WES or MET Towers or their support structure.
  - d. Guyed structures shall not be permitted.
  - e. Any electrical system components related to the On-Site WES or MET Tower, except necessary wiring from the base of the support structure to the turbine, are required to be placed underground within the boundary of each Participating Parcel at a depth designed to accommodate the existing land use to the maximum extent practical.
  - f. The siting of an On-Site WES or MET Tower shall, to the greatest extent practical, minimize its visual presence as viewed from adjacent and nearby properties, public road and other public access right-of-ways, and state-registered landmarks and buildings.
5. Ground Clearance

- a. The horizontal axis of the On-Site WES shall have a minimum distance of twenty (20) feet between the lowest extension of a rotational blade and the average grade at the base of the structure within a thirty-two (32) foot radius.
  - b. The vertical axis of the On-Site WES are exempt from a minimum height standard.
6. Sound/Noise
- a. No On-Site WES may exceed 40 dB(A) at nighttime or 45 dB(A) during daytime along any adjacent property line of a Non-Participating Parcel. During short term events including but not limited to severe wind, snow or rain storms if the ambient sound pressure level exceeds 40-45 dB(A), the standard shall be ambient dB(A) plus five (5) dB(A).
  - b. Sound requirements may be exceeded if written consent is acquired from all property owners impacted by the On-Site WES. Such written consent shall be submitted to the Township.
7. Number of On-Site WES and MET Towers: A Participating Parcel shall not be occupied by a number of On Site WES exceeding a combined total potential power output greater than ten (10) kW per hour nor shall the number of MET Towers on a Participating Parcel exceed two (2) MET Towers for each whole five (5) acres.
8. Safety
- a. An On-Site WES shall have a governing, braking, feathering or other fail-safe system designed by a certified engineer in order to mitigate and prevent uncontrolled rotation during adverse weather conditions.
  - b. On-Site WES or MET Towers greater than forty (40) feet in height shall possess protection measures from lightning strikes.
  - c. A structural analysis shall be provided demonstrating the structural integrity of the proposed On-Site WES or MET Tower support system in the event of adverse weather conditions.
  - d. Ice throw or ice shedding from the blades of the wind energy system shall not cross property lines of the site on which the facility is located and shall not impinge on any public right-of-way or overhead utility line. Any reported incidence shall follow the complaint procedures as outlined in this ordinance.
9. Setbacks
- a. All setbacks required for On-Site WES and MET Towers shall be measured from the outside edge of the base of the tower to the nearest adjacent property line of a Non-Participating Parcel.
  - b. An On-Site WES or MET Tower shall be set back from a Non-Participating Parcel's property line a minimum distance equal to two (2) times the Total Height of the proposed structure.
  - c. The base location for any On-Site WES or MET Tower located on a Participating Parcel shall not be located within the setbacks required by this Ordinance from existing structures, property lines or other necessary setbacks related to the site, including but not limited to utility easements, well/septic separations, or drain easements.
  - d. A minimum separation distance equal to or greater than a one to one (1:1) ratio to Total Height is required between multiple On-Site WES or MET Towers.
  - e. If an On-Site WES or MET Tower is mounted to a structure, then the placement of the On-Site WES or MET Tower upon the structure shall be opposite to the structure's façade facing the road right-of-way. In the case of a corner lot or lake property, the Zoning Administrator shall determine which façade may be considered the Participating Parcel's principal frontage and shall place the On-Site WES or MET Tower accordingly. The placement of the On-Site WES or MET Tower shall maintain the greater of either the front-yard setback requirement for the Participating Parcel's designated zoning classification or two (2) times the Total Height of the On-Site WES or MET Tower.
  - f. All On-Site WES or MET Towers shall maintain a one-to-one (1:1) Total Height to setback ratio from existing utility easements, power lines or other public infrastructure related items which may exist upon the Participating Parcel.
10. Height. On-Site WES and METs shall each not exceed two hundred (200) feet in total height.
11. Colocation. No colocation of any Wireless Communications Facilities shall be permitted on any On-Site WES or MET Tower.

**E. Additional Information for Wind Energy Generation Facility and Utility Scale WES:** In addition to the information required by Article 14, the following additional information shall be submitted as part of an application for a Wind Energy Generation Facility and Utility Scale WES:

1. Electromagnetic Interference and Signal Degradation.
  - a. A report shall be produced by a third party, qualified professional acceptable to the Township to review any adverse impacts to existing telephone (including cellular and land line), microwave, navigational, or radio reception within the Township. The report required by this subsection shall, at a minimum, include the cumulative impact of all proposed, existing and permitted Utility Scale WES or WEGF in Calhoun County to existing telephone (including cellular and land line), microwave, navigational, or radio reception within two and one half (2.5) miles of the Utility Scale WES or WEGF Participating Parcel boundaries.
  - b. A report shall be produced by a third party, qualified professional acceptable to the Township to review any adverse impacts and degradation to the signal of any existing FCC licensed television station(s) whose DTV Service Area includes the location of the proposed Utility Scale WES or WEGF. The report required by this subsection shall, at a minimum, include the cumulative impact of all proposed, existing and permitted Utility Scale WES or WEGF in Calhoun County to each existing station included in the report. If the report shows that a geographical area within the DTV Service Area(s) of an affected station(s) will lose the ability to receive a signal level of at least 35dBuV/m using a receive antenna height of ten (10) feet as a result of the proposed turbines, an acceptable mitigation plan shall be submitted to restore coverage of that signal(s) to the residents in those areas.
2. Soil Conditions. The applicant shall produce a soils analysis to research the geologic characteristics of the site based upon on-site sampling and testing. This report shall be certified by a registered professional engineer licensed within the State of Michigan.
3. Shadow Flicker. The applicant shall provide a detailed report including a visual site plan illustrating the locations of any Utility Scale WES or WEGF potential shadow areas produced by the Utility Scale WES or WEGF, including a summation of the impacts the proposed Utility Scale WES or WEGF may have upon neighboring/adjacent properties and homes, including the number of hours per year of impact and mechanisms or mitigation efforts that could be implemented to minimize any negative effects.
4. Sound/Noise. A report of the existing and expected audible and low frequency sound conditions related to the Utility Scale WES or WEGF Participating Parcels shall be conducted to identify a baseline sound presence and expected compliance with the sound limits established by this Ordinance prior to any installation of any Utility Scale WES or WEGF. The report shall be produced in accordance with standards established by ANSI by a qualified sound professional acceptable to the Township and shall include:
  - a. A description and map of the sound producing features of the Utility Scale WES or WEGF, including the range of decibel levels expected (to be measured in dB(A) and dB(C)), and the basis for the expectation.
  - b. A description and map of the existing land uses and structures including any sound receptors, (i.e. residences, hospitals, libraries, schools, places of worship, parks, areas with outdoor workers) within one (1) mile of the proposed Utility Scale WES or WEGF Participating Parcel boundaries. Said description shall include the location of the structure/land use, distances from the proposed Utility Scale WES or WEGF and expected decibel readings for each receptor.
  - c. The pre-existing ambient sound (including seasonal variation) and the affected sensitive receptors located within one (1) mile of the Proposed Participating parcel(s). Potential sensitive receptors at relatively less windy or quieter locations shall be emphasized and any problem areas identified.
  - d. A description of the project's proposed sound control features shall be explained within the sound report, including specific measures to mitigate noise impacts for sensitive receptors to a level consistent with this Ordinance.
5. Wind Resource Availability. The U.S. Department of Energy and National Renewable Energy Laboratory have adopted standards to measure and classify the wind based upon several factors including wind speed and density. Prior to any application being accepted for a Utility Scale WES or WEGF, a thorough wind assessment study shall be submitted to the Township. The study shall indicate the viability of a potential development by assessing the potential Participating Parcel's wind resource within the U.S. Department of Energy and National Renewable Energy Laboratory classification system.

6. Technical Documentation. The following information is to be assembled and submitted during review of a Utility Scale WES or WEGF special land use permit as a separate report from the final site plan to address the physical characteristics of the proposed Utility Scale WES or WEGF. Said information will be placed on file with the Township for review purposes.
  - a. Wind energy facility technical specifications including manufacturer and model, rotor diameter, tower height/type, foundation type/dimensions.
  - b. Typical tower foundation blueprints or drawings signed by a Professional Engineer licensed to practice in the State of Michigan.
  - c. Typical tower blueprints or drawings signed by a Professional Engineer licensed to practice in the State of Michigan.
  - d. Electrical schematic illustrating the proposed support infrastructure, wires, location, and depth of the Utility Scale WES or WEGF to the point of inter-connection with any other electrical transmission lines.
7. Fire Prevention and Emergency Response Plan and Requirements.
  - a. Description of the potential fire and emergency scenarios that may require a response from fire, emergency medical services, police or other emergency responders.
  - b. Designation of the specific agencies that would respond to potential fire or other emergencies.
  - c. Description of all emergency response training and equipment needed to respond to a fire or other emergency including an assessment of the training and equipment available to the designated agencies.
8. Environmental Impact
  - a. The site plan and supporting written narrative submitted as part of the application shall demonstrate that the proposal shall not have a significant adverse effect on area avian, bat and other wildlife and wildlife habitats including wetlands and nesting, migratory and feeding patterns, and shall identify all proposed mitigation measures to minimize potential impacts. Such narrative shall be presented as part of a separately bound report prepared by a certified wildlife biologist and the report shall document such certification and pertinent expertise of all persons contributing to the report and the procedures followed for documenting nesting, migratory and feeding patterns.
  - b. In addition to the information required in (a) above, the above-referenced report shall include documentation regarding the proposal's compliance with the Michigan Natural Resources and Environmental Protection Act (1994 PA 451, MCL 324.101 et seq.), including but not limited to:
    - 1) Part 31 Water Resources Protection (MCL 324.3101 et seq.),
    - 2) Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.),
    - 3) Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.),
    - 4) Part 303 Wetlands (MCL 324.3030 1 et seq.),
    - 5) Part 365 Michigan Endangered Species Protection (MCL. 324.36501 et seq.),
  - c. The report required under (a) above shall incorporate and present a baseline study of the current nesting, flight and feeding patterns associated with the sandhill crane, trumpeter swan and bald eagle populations within a two-mile (2-mile) radius of the boundary of the Baker Bird Sanctuary. This study shall be based upon data collected for the one (1) year period preceding the submission of the application.
  - d. Upon the construction of any Utility Scale WES or WEGF and initiation of operations, an assessment study shall be undertaken and extend one (1) year after the initiation of wind energy production. The study shall document quarterly through the year period, and in a final summary at year-end, at a minimum, the impact of the facility on area wildlife including carcass searches documenting avian and bat mortality and any changes in eating, breeding and migratory patterns. Each quarterly study shall identify all dead or injured birds and bats found within five hundred (500) feet of each wind turbine generator. The study shall be undertaken by a certified wildlife biologist hired by the Township. Anticipated fees for such study shall be paid by the applicant prior to the receipt of a permit to initiate construction. Any unused fees shall be returned to the applicant.
    - 1) The Township shall forward all post-construction reports to the U.S. Fish and Wildlife Service. The applicant shall be fully responsible for any mitigation measures required by the Service to address adverse impacts and any costs associated therewith.

9. Other Required Site Plan and Supporting Information.

- a. A map drawn to scale depicting the Participating Parcel's property lines, locations of existing roads and access drives, structures including above and below grade utility lines, public easements and existing mature vegetation.
- b. The required setbacks for a Utility Scale WES or WEGF shall be displayed upon the site plan.
- c. The location(s) of the Utility Scale WES or WEGF and any supporting electrical system components, including distances from existing structures and utility transmission.
- d. Identification and location of the Participating Parcels on which the proposed Utility Scale WES or WEGF will be located, including distances from occupied structures on Participating Parcels. The applicant shall provide written documentation that has been recorded at the Calhoun County Register of Deeds from all property owners of Participating Parcels that provides evidence they agreed to be a Participating Parcel.
- e. Identification and location of occupied structures on Non-Participating Parcels and distances from property lines of Non-Participating Parcels within a three quarter (3/4) mile radius of each Participating Parcel.
- f. An illustration of the proposed type of Utility Scale WES or WEGF.
- g. Proof of the applicant's liability insurance for the subject property(s).
- h. A written description of the decommissioning and reclamation plan, including initial contact information for the Owner, those performing maintenance upon the structures, and operators of the development, and Participating Parcel owners.
- i. The Owner shall have a continuing obligation to provide the Township with up to date contact information.
- j. A site grading, erosion control and storm water drainage plan shall be submitted and approved by the Calhoun County Water Resources Commission prior to commencement of construction of a Utility Scale WES or WEGF.
- k. A description, or travel plan, of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the development shall be submitted to and approved by the Calhoun County Road Department prior to commencement of construction of a Utility Scale WES or WEGF. The travel plan shall include the load capacity of the affected road, an assessment of the roadway prior to and after the construction efforts have been completed and an intersection display or diagram indicating where and what type of improvements are necessary for transportation, delivery or maintenance purposes for any Utility Scale WES or WEGF related items. Any necessary post construction road repairs or reconstruction shall be the responsibility of the owner/operator of the Utility Scale WES or WEGF and such necessary road repairs or reconstruction shall be performed in compliance with all applicable requirements of the Calhoun County Road Department.
- l. A statement indicating what hazardous materials will be used and stored on the site.
- m. An anticipated construction schedule and project phasing plan shall be required prior to final site plan approval.
- n. A statement certifying that every Utility Scale WES or WEGF shall be inspected on an annual basis to ensure that all equipment related to the development is in proper working condition. The owner shall maintain with the Township up to date name and contact information for the person or organization responsible for the general maintenance of the structures.

**F. Additional Standards for Wind Energy Generation Facility and Utility Scale WES:** In addition to compliance with all other standards of this Ordinance, including the Article 14 site plan approval standards and the Article 15 special land use approval standards, an application for a Wind Energy Generation Facility and Utility Scale WES shall comply with the following:

1. Public Health, Safety and Welfare: The proposed installation of the WEGF or Utility Scale WES shall be consistent with preserving the public's general health, safety and welfare.
2. Technological Obsolescence: The proposed installation of the WEGF or Utility Scale WES shall minimize the adverse impacts of technological obsolescence of such equipment, including a requirement to remove obsolete and/or unnecessary Utility Scale WES or WEGF equipment in a timely manner.
3. Negative Externalities: The proposed installation of the WEGF or Utility Scale WES shall minimize any negative externalities related but not limited to noise, shadow flicker, soil erosion and physical road conditions.

4. Certified Drawings: Any proposed equipment forty (40) feet or greater in height shall be required to provide certified drawings of the structural components of the Utility Scale WES or WEGF including structure's components, towers, bases, and footings. A registered engineer's certification is required for all drawings and any necessary calculations that indicate the system complies with all applicable local, state, and federal building, structural and electrical codes.
5. Visual Appearance and Height.
  - a. Utility Scale WES or WEGF shall be required to be of a neutral, non-reflective, non-obtrusive color which shall be maintained throughout the life of the product to mitigate visible oxidation or corrosion.
  - b. Lighted safety beacons may be installed upon the top of the structure's nacelle to adhere to Federal and State requirements, including FAA requirements, or to the extent necessary for the reasonable safety and security thereof. Any lighting shall be implemented at the lowest intensity allowable under law, including but not limited to any FAA regulations, and shall be reasonably shielded to reduce glare and visibility from the ground.
  - c. No advertising is permitted upon a Utility Scale WES or WEGF. Additional items such as banners, streamers, flags and similar items are prohibited from being attached to any Utility Scale WES or WEGF and or its support structure.
  - d. Support structures (i.e. the tower and or base) for a Utility Scale WES or WEGF shall not utilize guy wires.
  - e. The proposed installation of the WEGF or Utility Scale WES shall minimize negative visual impacts upon neighborhoods, community landmarks, historic sites and buildings, natural environmentally sensitive areas and public right-of-ways.
  - f. Utility Scale WES or WEGF shall not exceed five hundred (500) feet in total height. METs for Utility Scale WES or WEGF shall not exceed two hundred fifty (250) feet in total height.
6. Sound/Noise
  - a. Sound emanating from the operation of a Utility Scale WES or WEGF shall not exceed 40 dB(A) between the hours of 10:00 pm and 6:00 am (nighttime) measured at any adjacent property line of a Non-Participating Parcel.
  - b. During the hours of 6:00 am to 10:00 pm (daytime) no Utility Scale WES or WEGF shall exceed 45 dB(A) measured at any adjacent property line of a Non-Participating Parcel. The sound pressure levels may be exceeded during short-term events such as severe wind storms. If, during short term events, the ambient sound pressure level exceeds the levels permitted by this subsection, the sound pressure level permitted shall be the ambient dB(A) plus five (5) dB(A) and shall be measured at any adjacent property line of a Non-Participating Parcel.
  - c. In the event the noise levels resulting from the Utility Scale WES or WEGF exceed the criteria listed above, a waiver to said levels may be approved by the Township, provided that the following has been accomplished:
    - 1) Written consent from the affected property owner(s) has been obtained stating that they are aware of the Utility Scale WES or WEGF and the sound limitations imposed by this Ordinance and that consent is granted to allow sound levels to exceed the maximum limits otherwise allowed; and
    - 2) If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent sound impact easement shall be recorded in the Calhoun County Register of Deeds office which describes the benefitted and burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those otherwise permitted by this Ordinance may exist on or at the burdened property.
7. Setbacks. The following setbacks shall apply and shall be measured from the outside edge of the base of the tower.
  - a. The base of any Utility Scale WES or WEGF on Participating Parcels shall be set back a minimum of one and one-half (1.5) times the Total Height of the Utility Scale WES or WEGF from any inhabited principal structure.
  - b. The base of any Utility Scale WES or WEGF shall be set back a minimum of two and a half (2.5) times the Total Height of the Utility Scale WES or WEGF from Non-Participating Parcels.
  - c. Each Utility Scale WES or WEGF shall adhere to a minimum setback of one and one-half (1.5) times the Total Height from a public road right-of-way, communication tower, existing electrical lines or any other public utility, except for the interconnection between a Utility Scale WES or WEGF and the transmission facilities of a public utility.
  - d. All Utility Scale WES or WEGF shall have a minimum separation distance between structures of not less than the greater of the following, and shall provide documentation and rationale certified by a registered engineer supporting the separation distance.
    - 1) One and one-half (1.5) times the WES rotor diameter.

- 2) The minimum industry standard.
- 3) The minimum manufacturer's recommendations.
- e. To further encourage the placement of structures in low-impact areas, all interior property line setbacks between adjacent Participating Parcels located within a Utility Scale WES or WEGF may be waived through a written acceptance and approval by the Township Board during the application review process, provided the minimum setbacks from inhabited principal structures are met. Any waivers accepted and approved by the Township shall be recorded, at no expense to the Township, with the County's Register of Deeds as a deed restriction against the property.
8. Low-Impact Design Layout. The placement of WEGF or Utility Scale WES shall minimize the impacts on existing agricultural endeavors and farmland activity including, but not limited to, tiling systems, harvest and planting patterns or pasture areas.
  - a. Appropriate locations for potential WEGF or Utility Scale WES within existing agricultural lands shall be encouraged along fence rows, tree lines, forest areas and other portions of land which are not typically utilized for agricultural production.
  - b. Land clearing, soil erosion, habitat impact and clearing of natural vegetation shall be limited only to that which is necessary for the construction, operation and maintenance of the WEGF or Utility Scale WES and is otherwise prescribed by applicable laws, regulations, and ordinances.
  - c. Any cooling system ventilation, generators or other potential sources of sound shall be referenced by location and type per Utility Scale WES or WEGF upon a final site plan. Any sound generative device shall be oriented upon the machine or site in a manner which will minimize any negative impacts to neighboring parcels.
9. Safety.
  - a. Utility Scale WES or WEGF shall not be designed to be climbable on the exterior of the structure.
  - b. All access doors and interior access points shall be lockable and accessible only to those either constructing or maintaining the Utility Scale WES or WEGF.
  - c. Appropriate warning signs shall be placed at the base of the Utility Scale WES Tower or WEGF upon any associated electrical equipment and at every Utility Scale WES Tower or WEGF entrance.
  - d. The blade tip on any Utility Scale WES or WEGF shall not be less than seventy-five feet (75') from the ground when measured from the lowest rotational position.
  - e. Each Utility Scale WES or WEGF shall be equipped with both a manual and automatic braking device capable of stopping the operation in high winds and adverse weather conditions. A report shall be submitted related to ice throw potential for the proposed or similar equipment.
  - f. All Utility Scale WES or WEGF shall have lightning protection.
  - g. The Township or any emergency service provider who services the Township has the authority to order any Utility Scale WES or WEGF to cease its operations if they determine in good faith that there is an emergency situation involving the Utility Scale WES or WEGF that may result in danger to life or property. The Owner and/or operator shall provide the Township and emergency services providers with contact information for personnel with access to the braking device who shall be available at all times in person or by phone with remote access.. The Owner and/or operator may be required to be available and present in such an emergency situation.
  - h. All Utility Scale WES or WEGF shall comply with all State, Federal and local laws and regulations, including but not limited to the applicable requirements of the Federal Aviation Administration ("FAA"), the Michigan Airport Zoning Act and the Michigan Tall Structures Act both prior to and after installation. No WES or WEGF shall be located on any property in such a manner as to interfere with the safe takeoff, approach and landing of aircraft at any non-publicly owned airport in existence prior to application for special land use permit. (See "publicly-owned" as defined by the Michigan Airport Zoning Act, as amended).
10. Shadow Flicker. A Utility Scale WES or WEGF shall not be allowed to cast a shadow upon a Non-Participating Parcel's principal structure in excess of thirty (30) hours measured on a continuous 365 day basis. Equipment and software such as "Shadow Impact Module SIM by NorthTec GMBH" or equivalent with all necessary cabling and receptors may be necessary and shall be installed and maintained by the Owner and/or operator to abate any shadow flicker in excess of the thirty (30) hours permitted by this subsection. Non-Participating Parcel owners may waive the shadow flicker requirement to permit shadow flicker in excess of the thirty (30) hours permitted by this subsection through a written acceptance and approval by the Township during the special land use permit application process. Any waivers accepted and approved by the Township shall be recorded, at no expense to the Township, with the Calhoun County Register of Deeds as a deed restriction against the property.
11. Maximum Vibrations and Low Frequency Sound. A Utility Scale WES or WEGF shall not produce vibrations humanly perceptible upon a Non- Participating Parcel.

12. State/Federal Requirements. A Utility Scale WES or WEGF shall meet or exceed any applicable standards and regulations of the FAA, Michigan Public Service Commission, National Electric Safety Code, U.S. Fish and Wildlife Service and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures.
13. An Ongoing Log of Maintenance activities performed on the Utility Scale WES or WEGF shall be submitted to the Township on an annual basis, and as requested by the Township.
14. Environmental Impact Issues. The Utility Scale WES, Special Land Use MET Tower and WEGF shall comply with the applicable parts of the Michigan Natural Resources and Environmental Protection Act (1994 PA 451, MCL 324.101 et seq.), including but not limited to:
  - a. Part 31 Water Resources Protection (MCL 324.3101 et seq.),
  - b. Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.),
  - c. Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.),
  - d. Part 303 Wetlands (MCL 324.3030 1 et seq.),
  - e. Part 365 Michigan Endangered Species Protection (MCL. 324.36501 et seq.),
15. Security Bond Requirements.
  - a. Prior to final approval of a special land use permit, the applicant shall engage a certified professional engineer acceptable to the Township to estimate the total cost of decommissioning the Utility Scale WES or WEGF and reclamation efforts needed to return affected land back to its physical condition prior to WES construction. The applicant shall pay for the costs of obtaining such estimate. Said estimates shall be submitted to the Township for review.
  - b. The owner(s) and/or operator of the Utility Scale WES or WEGF shall post a security bond, in a form acceptable to the Township, equal to one hundred percent (100%) of the total estimated decommissioning and reclamation costs. Decommissioning and reclamation costs shall be re-evaluated and the value of the bond shall be adjusted accordingly every five (5) years.
  - c. Said bond shall be posted and maintained with a bonding company licensed in the State of Michigan or Federal or State chartered lending institution chosen by the owner(s) or operators and acceptable to the Township.
  - d. An applicant shall maintain the approved bond for the duration of the Utility Scale WES or WEGF, until decommissioning and removal is complete. The bond documents shall prohibit the applicant from terminating or withholding renewal of the bond except upon written approval from the Township Clerk. The termination or non-renewal of a security bond without the township's approval shall be a violation of this Ordinance and the Township may revoke approval of the Utility Scale WES or WEGF, require its removal, and/or exercise any other authority permitted by law.
  - e. When decommissioning and site reclamation has been completed, written correspondence to the Township Board is required before the Board of Trustees may authorize a release of security bonds associated with a Utility Scale WES or WEGF.
16. Decommissioning and Removal Procedures.
  - a. As part of the special land use permit process, the applicant shall submit a decommissioning plan to describe the anticipated life of the project, estimated decommissioning costs net of salvage value in current dollars, methods of ensuring that funds will be available for decommissioning, including a method of reclamation for restoration of the land.
  - b. Any Utility Scale WES or WEGF that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The owner(s) of such structure shall be required to either provide to the Township a written explanation regarding why the tower is inoperable and a timeline of no longer than sixty (60) days to bring the tower back into operation or compliance or apply for the necessary demolition permits for removal within ninety (90) days of receipt of written notice from the Township. If the owner(s) fail to provide explanation within sixty (60) days as described above or fails to apply for the necessary demolition permits within ninety (90) days for removal of an abandoned Utility Scale WES or WEGF, the Township shall provide the owner(s) with written notice of the violation. If the owner(s) fail to cure the violation within sixty (60) days of the date of notice, the Township may begin the process of removing the Utility Scale WES or WEGF and all associated equipment or appurtenances at the owner's/owners' expense. The Township shall sell any salvageable material and deduct any monies generated from said sales from the balance of the required security bond. The remedies provided to the Township pursuant to this subsection shall be in addition to and not in place of any other remedy available to the Township at law or in equity to enforce the provisions of this Ordinance.
  - c. When a Utility Scale WES or WEGF is decommissioned, all items shall be removed from the subject property, including electrical components, structure foundation, or other associated components to a depth not less than six (6) feet below grade. Reclamation of the site includes the planting of grasses or cover crops, which may have been present prior to construction or can be utilized to effectively



- minimize soil erosion. The property owner may be exempt from removing certain items including but not limited to the entrance or roadway on the property.
- d. Any material left six (6) feet below grade shall be documented and recorded upon a certified survey and recorded within the Calhoun County Register of Deeds.
17. Post Construction Activities. To ensure compliance with the requirements of this Ordinance, the following actions shall be taken pending completion of any Utility Scale WES or WEGF.
    - a. A final inspection with the Calhoun County Water Resources Commissioner shall take place to ensure that soil erosion matters have been finalized at each site hosting a Utility Scale WES or WEGF.
    - b. Within ninety (90) days of project completion, any roadway utilized for moving or construction purposes shall be inspected by the Zoning Administrator and representatives from the Calhoun County Road Department to ensure compliance with the travel plan.
    - c. A sound pressure level analysis is required to be completed by the applicant from a sample of locations throughout the interior and perimeter of the Participating Parcels to demonstrate compliance with the requirements of this Ordinance. Proof of compliance with audible sound standards shall be submitted to the Township for review within one hundred-eighty (180) days of the date the Utility Scale WES or WEGF project becoming operational. Sound shall be measured by a third-party, qualified sound professional.
    - d. Following the completion of construction, the applicant shall provide the Township written certification that all construction was completed pursuant to the special land use permit and approved site plan.
  18. Colocation. No Colocation of any Wireless Communications Facilities shall be permitted on any Utility Scale WES or WEGF without the express approval of the Township.
  19. Public Inquiries & Complaints. Should an aggrieved property owner allege that a Utility Scale WES or WEGF is not in compliance with the requirements of this Ordinance, the procedure shall be as follows:
    - a. Complaints shall be submitted to the Township Clerk in writing from the affected property owner including their name, address and contact information.
    - b. Upon receiving a complaint from an affected property owner the Township Clerk shall present the complaint to the Township Board for review at its next regular meeting or a special meeting called for that purpose. If the Township Board deems a complaint sufficient to warrant an investigation, the Township Board shall advise the owner(s) and/or operator of the Utility Scale WES or WEGF of the complaint. Within ten (10) days of the date of notice, the owner(s) and/or operator of the Utility Scale WES or WEGF shall deposit funds in an amount determined by the Township Board sufficient to pay for an independent investigation of the complaint, including but not limited to an investigation related to decibel level testing and shadow flicker analysis. All such independent investigations and analyses shall be conducted by qualified professionals acceptable to the Township to determine compliance with the requirements of this Ordinance.
    - c. If the Utility Scale WES or WEGF is in violation of this Ordinance, the owner(s) and/or operator shall reimburse the Township from the deposit required in subsection (b) above for the investigation or analysis and shall take immediate action to bring the Utility Scale WES or WEGF into compliance. In the event the owner(s) and/or operator fails or refuses to bring the Utility Scale WES or WEGF into compliance the Township may seek any relief at law or equity to abate the nuisance and may also issue a municipal civil infraction citation as provided for by ordinance.
    - d. If the owner/operator, following the investigation and review, is found to be in compliance, the Township shall reimburse the owner/operator for all expenses associated with the independent investigation.

**Section 13.27 Composting Facilities**

**A. General Standards:** See development standards of this Ordinance including signs (Article 8), off-street parking (Article 9), landscaping and screening (Article 10), environmental protection (Article 11), access and private roads (Article 12), accessory buildings (Section 20.8), and accessory structures (Section 20.9). See Table 3-4 of Article 3 for standards pertaining to lot area, width, frontage, setbacks, building height and lot coverage, except as follows:

1. Minimum lot area shall be twenty (20) acres.

**B. Additional Standards and Provisions:**

1. Limitations on Compostable Material

- a. Only yard wastes shall be composted unless expressly authorized otherwise as part of the special land use application approval, and such wastes shall be accepted only in a loose state or in clear or earth-tone biodegradable bags. All non-organic material, including any forms of litter, shall be collected and contained on-site until disposal. For the purposes of this subsection, "yard wastes" shall be defined as leaves, grass clippings, vegetable or other garden debris, shrubbery, or brush trimmings, and wood products that can be converted to compost but which do not exceed four (4) feet in length and two (2) inches in diameter and do not contain any foreign materials such as glues, adhesives, stains and preservatives.
- b. Unless otherwise approved by MDEGLE (Michigan Department of Environment, Great Lakes and Energy), composting facility operations shall not result in more than five thousand (5,000) cubic yards of yard clippings and other compostable material, compost, and residuals on any acre of property at the facility

2. Location Restrictions and Setbacks:

- a. A composting facility shall not be permitted in any state-regulated wetland and within a five hundred (500) year floodplain, unless the MDEGLE has approved the area for such a facility.
- b. No outdoor composting operations, including storage, transfer and loading activities shall occur within fifty (50) feet of a lot line and within two hundred (200) feet of a dwelling or a Residential District. Such setbacks shall be measured as a straight line from the edge of the activity to the nearest dwelling wall or district boundary, as applicable.

3. Site Configuration and Air Flow: A composting facility shall be configured in such a manner so as to take into consideration how meteorological and topographic features affect air flow and locate handling operations downwind from residentially developed areas or otherwise maximize the distance between handling operations and residentially developed areas.

4. Filtration Buffers

- a. Except for access gates and entry roads, a minimum one hundred (100) foot wide vegetated buffer shall be maintained along lot lines.
- b. If any river, creek, stream, swale, drain, regulated wetland, or similar natural feature is present on the lot, a minimum two hundred (200) foot wide vegetated buffer shall be maintained along the outer edge of such feature.

5. Access, Circulation and Staging

- a. The lot shall have frontage on a Class A truck route and take its access from such route. The Township Board may permit principal access from a paved road classified by the County Road Department as a primary road according to PA 51 of 1951, though it may not be a Class A truck route, upon a determination that the type and frequency of truck traffic does not warrant the need for Class A truck route access.
- b. Principal access roads within the facility shall be paved with asphalt or concrete. All other roads, maneuvering lanes and parking areas shall be similarly paved or otherwise be constructed of crushed concrete, limestone or other aggregate material of sufficient design and thickness to accommodate emergency access vehicles.
- c. All roads, driveways, parking lots, and loading and unloading areas that are not paved shall be watered or chemically treated so as to minimize wind-borne dust.
- d. The staging of trucks beyond the lot is prohibited. The area designated for truck staging shall be located in such a manner as to minimize negative impacts on surrounding properties.

6. Drainage and Leaching

- a. Pondered water is prohibited except as part of a plan for the collection, retention, and drainage of storm water.
- b. The site plan shall provide a settling basin/detention pond with a clay or synthetic liner, or other acceptable best management practice as approved by the Township, and vegetative filtration of runoff shall be provided prior to discharge from the lot.

- c. The area being actively utilized for composting shall be provided with a clay or synthetic liner, or other acceptable best management practice as approved by the Township, to ensure that contamination or leaching into the ground and ground water is eliminated or minimized to the greatest extent practical.
7. Equipment and Storage: There shall be sufficient equipment on site to properly manage the composting process. Unless expressly waived by the Township Board as part of a facility application approval, the minimum required equipment shall include a front-end loader or similar machinery for loading and unloading material, a windrow machine for compost turning and aeration, a shredder for reducing new material to smaller particle sizes for faster decomposition, a source of water for irrigation or watering trucks, and a screen to improve the quality and marketability of the final product.
8. Security: Access to the site shall be controlled to prevent unauthorized entering and dumping during non-business hours, including controlled entry gates. The portion of the lot that is actively used for the storage or processing of compost shall be fenced with "No Trespassing" signs placed at intervals of no less than two hundred fifty (250) feet. The fence shall be of open construction such as wire-woven "farm-style" fencing or other similar fencing. Such fencing shall be placed behind the landscape berm required by this Ordinance.
9. Screening: The portion of the lot used for composting operations shall be screened by a six (6) foot high berm. Such berm shall be planted with a staggered double row of evergreen trees of a minimum six (6) foot height at planting. Each row of trees shall not exceed a spacing of twenty (20) feet on center. The tree rows shall be offset by twenty (20) feet. In no case shall trees be planted lower than three (3) feet from the berm crown. Modifications to the planting and berm requirements may be granted. The Township may modify planting and berm requirements, as it determines appropriate, where the existing vegetation or terrain provides the desired screening or upon the receipt of a notarized document signed by an adjacent landowner and attesting to the landowner's desire for lesser screening.
10. Odors: Odors emanating from composting shall not be humanly discernible from beyond the lot or otherwise interfere with the enjoyment of properties in the general area. Corrective measures as presented in the required odor response management plan shall be immediately employed upon the Township's determination of excessive odors.
11. Operating Hours: Facility operations shall commence no earlier than 7:00 a.m. and cease no later than 7:00 p.m. on weekdays. Facility operations shall not occur on Saturdays except between May 1st through September 30th, and shall commence no earlier than 7:00 a.m. and cease no later than 5:00 p.m. Facility operations shall not occur on Sundays. A modification of these restrictions may be made upon a finding that conditions are present or are to be established that support leniency provided such modifications shall not undermine public health, safety or welfare, or otherwise unreasonably interfere with the continued use and enjoyment of properties in the general area.
12. Compliance with Law: Composting facilities shall comply with the regulations and requirements of county, state and federal agencies and laws including the MDEGLE and Public Act 451 of 1994, the Natural Resources and Environmental Protection Act.
13. Monitoring and Testing
  - a. Groundwater test wells shall be required to be drilled prior to the commencement of any composting activity. The number and placement of such wells shall be determined by the Township. An independent agency as agreed upon by both the applicant and the Township shall provide the initial testing prior to the commencement of operations as well as testing on a monthly basis. Such information shall be provided in the required monthly reports.
  - b. A semi-annual inspection for rodents shall be performed by a licensed pest control company approved by the Township. A copy of the inspection shall be provided to the Township Clerk within thirty (30) days of the inspection. If at any time rodents are detected, appropriate measures shall be taken to capture or exterminate the rodents in an environmentally safe manner.
  - c. A semi-annual test shall be performed to ensure that on-site soils and surface waters leaving the site are not contaminated by a concentration of nitrogen, phosphorus, phenols, pesticides and/or herbicides. Soil samples shall be taken from the windrow area and the settling basin/detention pond and surface water samples shall be taken at the outlet from the detention pond. Said test(s) shall be completed by Township authorized representatives or an agency/firm approved by the Township. A copy of the test results shall be provided to the Township Clerk within thirty (30) days of the testing.
14. Emergency Access: The Township or any emergency service provider that services the Township has the authority to order any composting facility to cease its operations if they determine in good faith that there is an emergency situation involving the composting facility that may result in danger to life or property. The owner and/or operator shall provide the Township and emergency services providers with contact information for personnel with access to the composting facility who shall be available at all

times in person or by phone with remote access. The owner and operator may be required to be available and present in such an emergency situation.

**C. Additional Information:** In addition to the information required by Article 14 and Article 15, the following information shall be submitted as part of an application for a composting facility:

1. The site plan shall clearly illustrate the location and layout of the composting operation including buildings, truck staging and unloading areas and on-site truck maneuvering, equipment maintenance and storage, parking, berms and screening, sales areas and loading, and fencing.
2. The application materials shall describe the step-by-step process for accepting materials to be composted, the proposed composting process, and the provision of the final composted product to the general public or other entities for availability to intended users of the compost.
3. The application materials shall identify hazardous and flammable materials to be present at the facility, the location where such materials will be stored and used, and primary and secondary containment measures.
4. The application materials shall identify the character of on-site soils, water table elevations, and the extent to which on-site soils encourage storm water percolation.
5. The application materials shall include a "Composting Facilitation Operations Plan" (CFOP) that demonstrates compliance with this Section and other applicable regulations. The CFOP shall describe or provide information pertaining to the following minimum matters:
  - a. Site design considerations, including material flow and other procedures.
  - b. The location of different activity areas including receiving, windrows, curing, disposing of waste material found in incoming materials, volume limits, and where the operator will send material if site capacity is achieved.
  - c. How the materials will be mixed to maintain reasonable chemical ratios for successful composting.
  - d. Planned processing activities from receipt at the gate through the end user of the finished compost.
  - e. The frequency with which the composting material will be rotated.
  - f. The steps that will be taken to ensure that the decomposition process will be properly managed and maintained in an aerobic condition.
  - g. The monitoring, record keeping and reporting program that will be maintained.
  - h. The length of time for which yard waste will remain on the site.
  - i. Product quality standards and testing for pathogens.
  - j. The owner/operator's staffing plan and how many people will be working on-site throughout the year.
  - k. The operating staff's qualifications and what training is planned for both operations and safety.
  - l. The plan for the removal and/or disposal of inferior product that is not sold.
  - m. The plan for minimizing odors including a response management plan that shall be immediately employed as may be directed by the Township.
  - n. A plan for how the owner/operator will troubleshoot typical composting difficulties, such as litter control, odor, inappropriate temperature, dust, noise, flies and pests, and neighborhood complaints.

**End of Article 13**

## **Article 14**

### **SITE PLAN REVIEW**

#### **Section 14.1 Purpose**

It is the purpose of this Article to specify standards, application and data requirements, and the review process that shall be followed in the preparation and review of site plans as required by this Ordinance. These requirements are incorporated into the zoning permit application process to ensure that the appropriate bodies are afforded an opportunity to review and evaluate proposed uses and site development proposals and ensure conformance with all applicable provisions and standards of this Ordinance.

#### **Section 14.2 Site Plan Approval Required**

**A. Uses Requiring Site Plan Approval:** Except as provided by subsection (1) below, site plan approval is required prior to the Zoning Administrator's issuance of a zoning permit for the establishment or alteration of any use, building or structure including multiple family developments, commercial and industrial uses, institutions, site condominiums, and platted subdivisions. For the purpose of this Section "the establishment or alteration of" shall be construed to also include "the initiation of," "the expansion of," and "the relocation of."

1. **Exceptions:**

- a. Agricultural buildings, single-family dwellings and two-family dwellings, and alterations and accessory structures and buildings thereto, including driveways, shall be subject to plot plan approval by the Zoning Administrator according to Section 2.4(B).
- b. Uses and structures expressly exempted elsewhere in this Ordinance.

#### **Section 14.3 Review Procedures**

**A. Optional Preapplication Conference:** Prior to the submission of a site plan, a prospective applicant may request a meeting with Township officials. The purpose of the meeting shall be to share with township officials the general theme for the proposed development and to provide the potential applicant with information regarding land development policies, procedures, standards and requirements of the Township pertaining to the development being contemplated by the applicant. At the preapplication conference, the applicant may present sketches or drawings of the project concept. Statements made in the course of a preapplication conference shall not be legally binding nor be interpreted as assuring a specific action on any subsequent site plan submittal. The meeting shall be attended by no more than two (2) members of the Planning Commission and no more than one (1) member of the Township Board, together with such consultants and other Township officials and staff as either the Township or the applicant deem appropriate. Any fees required by the Township for such a meeting shall be paid a minimum of seven (7) days prior to such meeting.

**B. Optional Preliminary Site Plan:** Prior to preparing a detailed final site plan and seeking approval of such final site plan, the applicant may seek approval of a preliminary site plan for the purpose of receiving approval of the general design and layout of the project. A preliminary site plan shall be reviewed and acted upon in the same manner as a final site plan, as delineated in subsections (C) – (F).

1. **Level of Detail:** A preliminary site plan shall be prepared according to the manner and information required for a final site plan pursuant to Section 14.3(B), except that the information presented may be more conceptual in character and detailed construction drawings to address specific site improvements are not necessary. However, the detail of the preliminary information shall adequately portray the arrangement and feasibility of critical components of the project such as, but not limited to, storm water management including runoff flow direction and preliminary location of detention/retention basins; general grading including existing and proposed topographic contours with contours at no greater than five (5) feet apart and proposed limits of clearing; vehicular circulation including general road alignments, access ways to parking areas and configuration of parking spaces and associated circulation; approximate lot areas and lot lines; solid waste storage areas, conceptual signage; and conceptual landscaping including vegetative screening along with proposed wall and fence locations.
  - a. A preliminary site plan shall be evaluated according to the level of information required at the preliminary plan level. A preliminary plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to this Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.

2. Variances: Where the approval of a variance by the Zoning Board of Appeals (ZBA) pursuant to Article 16 is necessary for the approval of a proposed preliminary site plan, no such preliminary site plan shall be acted upon by the Planning Commission or Township Board until a variance request is filed with the Zoning Board of Appeals (ZBA) and the ZBA has acted upon such variance request.
3. Approval Period: Approval of the preliminary site plan is valid for a period of eighteen (18) months except where this Ordinance provides otherwise. If a complete final site plan has not been submitted during this period, the approval of the preliminary site plan shall be null and void. This time limit may be extended by the Township Board upon its finding that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that suggest revisions to the layout and/or design of the development. In the case of an expired preliminary site plan that is not granted an extension of time, such plan shall not undergo review or action except upon the applicant submitting a wholly new site plan submittal according to Section 14.3.

**C. Final Site Plan Submittal, Distribution and Data:** A minimum of ten (10) copies of a final site plan and zoning permit application form shall be submitted to the Zoning Administrator for the proposed development for which site plan approval is being sought. Additional site plan copies may be required by the Zoning Administrator in association with outside reviewing agencies. A reduced number of copies may be permitted by the Zoning Administrator in lieu of an electronic submittal. Upon receipt of the final site plan, the Zoning Administrator shall record the date of their receipt and transmit copies to the Planning Commission, Township Board and other agencies or individuals selected to review the site plan.

1. Site Plan Preparation: A site plan shall be provided on a professional quality drawing of scale not less than 1" = 50' and shall clearly present the required information. All information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan and shall bear the seal and signature of the licensed individual. The plan shall present all necessary information in a clear and comprehensible fashion and be of such clarity and detail to permit determination of its conformance to this Ordinance and the satisfactory construction of the project. Sheet size shall not exceed 24 inches by 36 inches unless approved by the Zoning Administrator. The following information shall be included on a site plan.
  - a. General Information: Each site plan sheet shall include the following general information in addition to the information required under subsection (2) and (3):
    - 1) The applicant's full name, address and phone number.
    - 2) The name, address and phone number of the person and firm responsible for the site plan sheet's preparation, and the name of the proposed development.
    - 3) Bar/graphic scale and north arrow.
    - 4) The most current revision date on each sheet.
  - b. Specific Required Site Information and Waivers: A site plan shall include the specific site information required under subsections (2) and (3) below except where the site plan approving body determines that the waiving of specific submittal items, due to the particular character of proposed development or site or surrounding conditions, shall not undermine the effective evaluation of the extent to which the site plan complies with the standards of this Ordinance and protects the public health, safety and welfare. The Planning Commission or Township Board may subsequently void this waiver should deliberations reveal the need for additional information.
2. Site Plan / Existing Conditions Information: The site plan shall identify the existing conditions on the subject property and shall portray the following minimum information:
  - a. Location map with north point, including all roads and road names within one-half (1/2) mile.
  - b. A property line survey, correlated with a legal description, showing property line dimensions and bearings and net acreage (minus rights-of-way) and total acreage, to the nearest 1/100 acre.
  - c. Zoning classification of applicant's lot and all abutting lots.
  - d. Distance from lot frontage corners to nearest driveways along both sides of such frontage.
  - e. Notation of any variances that have been granted.
  - f. Buildings and structures including dimensions, height, and setbacks from lot lines, with a designation as to which are to be retained, removed, or otherwise altered.
  - g. Roads, drives and alleys including surface materials and surface and right-of-way widths.
  - h. Parking space and aisle dimensions and the total number of spaces.
  - i. Natural features including soil types and soil unit boundaries; topography at minimum two (2) foot contour intervals, referenced to a U.S.G.S. benchmark and extending a minimum distance of fifty (50) feet from all lot lines; lakes, ponds, continuous and intermittent drainage courses; floodplains; and wetlands including the source of wetland delineation information.
  - j. Non-motorized travel ways including trails, paths, and sidewalks, and the widths of each.

- k. Utilities including stormwater and sanitary sewer, septic systems, potable water, electricity, communication and gas service.
  - l. Location, width and purpose of all easements and rights-of-way including for utilities, access, and drainage.
3. Site Plan / Proposed Modifications: A site plan shall identify proposed modifications to the subject property including the following minimum information:
- a. Buildings and structures including location, height, dimensions, floor area of each and in total, floor plans and elevations, and required setbacks. Elevations shall indicate type and color of exterior materials, roof design, projections, canopies, awnings, overhangs, screen walls, and outdoor or roof-located mechanical equipment such as air conditioning units, heating units, and transformers.
  - b. Accessory structures including the location, dimensions, and construction details for signage; location and height of lighting; and location, dimensions and construction details for fences and walls.
  - c. Roads, drives and other access and circulation features including sidewalks and trails; driveway entrances; centerlines; surface materials; surface and right-of-way widths; inside radii of all curves including driveway curb returns; acceleration, deceleration, passing and fire lanes; typical cross-section of roads and driveways; loading and unloading areas; and parking lots including configurations, parking space and aisle dimensions, location of handicap parking spaces, total number of parking spaces, and the basis for calculating the required number of parking spaces including the number of employees during peak shifts . Proposed traffic control measures (signs) shall also be indicated.
  - d. Landscape plan prepared according to and identifying the information required by Article 10.
  - e. Accessory structures and use areas including outdoor storage, trash receptacle and transformer pad locations and method of screening, and exterior lighting locations and method of shielding lights from adjacent properties.
  - f. Proposed source and location of all public and private utilities including gas, electric, and telephone service; potable water and sewage disposal including sewer and water mains, septic field facilities, well sites, water service leads and hydrants; and the necessary easements that exist or are to be established for installation, repair and maintenance of such utilities.
  - g. Proposed grading, storm drainage and storm water management plan including soil erosion and sedimentation control measures and spot elevations to adequately portray drainage patterns and final elevations and grades, and proposed topography at minimum one (1) foot contours. Such plan shall include the location of drainage easements, exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water. The point of discharge for all drains and pipes shall be specified on the site plan as well as invert and related elevations, and pipe lengths and slope, to construct the same. Such plans shall document the extent of clearing of vegetation and the extent of other clearing, cuts, fills, or other grading, and the finished floor elevations of all buildings.
  - h. Proposed location and specifications for any existing or proposed above or below ground storage facilities for any flammable, toxic or hazardous substances, as well as any containment structures or clear zones required by government authorities; a complete inventory of toxic or hazardous substances to be stored or used on the site, including the quantity of substances, substance names and characteristics; the proximity of such materials to ground water aquifers, wetlands, surface waters, existing and proposed wells, storm sewers, storm drains, and sanitary sewers; and a proposed storage and disposal plan for such materials including their transfer and/or transport.
  - i. Location and description of all easements and rights-of-way for utilities, access, and drainage.
  - j. Intended schedule for completing the project, including the timing of project phases.
  - k. A statement identifying all federal, state and local permits required, if any.
  - l. In the case of a platted subdivision, condominium subdivision or similar unified development, the number, type and location of each type of residential and/or nonresidential unit on each lot; density calculations; garage and carport locations; road alignments, widths, names and intersection details; community building locations, dimensions, floor plans, and facade elevations; the location, size and purpose of open space and recreation areas including swimming pool deck and fencing details. If common area or community buildings are proposed, the site plan shall indicate the responsibilities of the subdivision or condominium association, property owners, or other entity, with regard to maintenance of the common areas or community property on a continuing basis.
  - m. Any additional information that may be determined necessary to enable township officials to determine compliance with the standards of this Ordinance.

**D. Planning Commission Review of Final Site Plan for Completeness:** Upon receipt of the application materials, the Planning Commission shall review the materials and determine their completeness. If determined to be insufficient in adequately portraying the required information, the Planning Commission shall delay further consideration of the application until such time that the application materials have been made satisfactory, and shall notify the applicant in writing of the deficiencies.

**E. Planning Commission Action on Final Site Plan:** The Planning Commission shall be the approving body of a site plan except as may be provided elsewhere in this Ordinance. The Planning Commission shall deny, approve, or conditionally approve the final site plan. A final site plan shall be approved or conditionally approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Any conditions required by the Planning Commission for approval shall be stated in writing, together with the reasons, and delivered to the applicant. See Sec. 20.2 regarding conditional approvals.

1. **Revised Final Site Plan:** The Planning Commission may require the submittal of a fully revised final site plan upon its determination that the conditions necessary for approval are of such an extent or character that a fully revised set of documents is necessary before an approval can be granted.
2. **Planning Commission Recommendation to the Township Board for Special Land Use Application:** In the case of an application for a Special Land Use, the Planning Commission shall recommend to the Township Board denial, approval or conditional approval of the final site plan. The Planning Commission shall recommend approval or conditional approval of a site plan if the site plan contains the information required by and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Any recommended conditions shall be stated in writing together with the reasons. See Article 15, Special Land Uses.

**F. Township Board Action on Final Site Plan for Special Land Use Application:** In the case of an application for a Special Land Use and upon receipt of a recommendation from the Planning Commission and conducting a review to determine the site plan's compliance with the requirements and standards contained in this Ordinance, including the standards of Section 14.4, the Township Board shall deny, approve, or conditionally approve the final site plan as part of its action on the Special Land Use application. A final site plan shall be approved or conditionally approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Any conditions required by the Township Board for approval shall be stated in writing. See Sec. 20.2 regarding conditional approvals.

1. **Revised Final Site Plan:** The Township Board may require the submittal of a fully revised final site plan upon its determination that the conditions necessary for approval are of such an extent or character that a fully revised set of documents is necessary before an approval can be granted.

**G. Issuance of Zoning Permit / Building Permit Required:** Upon final approval or conditional approval, the Zoning Administrator shall issue a zoning permit authorizing the use and construction subject to the approved application. Where a conditional approval expressly provides for the delay of the issuance of a zoning permit until a specific condition has first been met, the Zoning Administrator shall delay the issuance of the permit until the condition has been met.

1. **Building Permit Required:** Upon issuance of a zoning permit, no construction shall be initiated prior to the acquisition of all necessary Building Permits from the Building Inspector.

**H. Approved Site Plans:** Three (3) copies of an approved site plan, with any conditions contained within, shall be maintained as part of the Township records. One (1) copy shall be returned to the applicant. Each of the three approved copies shall be dated and signed by the Zoning Administrator and Township Clerk, with the date of approval specified.

**I. As-Built Drawings:** The applicant shall submit to the Zoning Administrator three (3) copies of as-built drawings upon completion of construction activities, but no later than sixty (60) days from the issuance of a permit of occupancy by the Building Inspector. Such drawings shall identify all improvements made upon the site including the location of all above and below ground utility lines and pipes including by type, size, and location; the location of manholes and catch basins; the location of fire hydrants; above and below ground valves; the depth and volume of retention/detention basins and side slopes; and plan and profile views of roads and sanitary and storm sewer lines.

1. **Identification of Drawings:** As-built drawings shall be clearly titled as "As-Built Drawings" and shall include the name, address and phone number of the preparer; the date of preparation and last revision; a bar scale; a north arrow; and the seal of a professional engineer.
2. **Review of Drawings:** The Zoning Administrator shall review the as-built drawings to ensure their



completeness and may refer the matter to the Township Engineer for confirmation. Incomplete or otherwise inadequate drawings shall be returned to the applicant with a written identification of deficiencies that must be corrected.

#### **Section 14.4 Site Plan Approval Standards**

**A. Specific Site Development Standards:** A preliminary and final site plan shall conform with the specific site development standards of this Ordinance including, but not limited to, requirements pertaining to lot area, lot width, setbacks, building heights, permitted uses, nonconformities, lighting, potable water, sewage disposal, and the provisions of:

1. Article 8, Signs
2. Article 9, Off-Street Parking and Loading
3. Article 10, Landscaping and Screening
4. Article 11, Environmental Protection
5. Article 12, Access and Private Roads
6. Article 13, Additional Standards and Regulations for Specific Land Uses
7. Article 20, Supplemental Provisions

**B. General Site Plan Approval Standards:** In addition to compliance with the standards of subsection (A), all site plans shall comply with the following general site plan approval standards:

1. Site Organization: All elements of the site plan shall be harmoniously and efficiently organized in relation to the size and character of the lot, the manner in which buildings and support facilities on the lot relate to one another both visually and physically, and the character of the proposal as viewed from nearby properties and roads.
2. District Purpose: The site plan shall be of a character that supports the purpose of the District in which the development is to be located, as described in the Purpose tables of Article 3.
3. Surrounding Properties: The site plan shall not impede the normal and orderly development, improvement, or enjoyment of surrounding property for uses permitted in the District, including matters pertaining to visual impacts from lighting, signage, outdoor storage, and off-street parking. Landscaping measures shall be employed to enhance the development's character and encourage compatibility with existing and planned development and uses in the area. All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space, shall be coordinated with adjacent properties.
4. Environmental Character: The site plan shall preserve the environmental character of the site insofar as practical by minimizing the removal or disturbances to on-site natural features such as trees, woodlands, soils, topography, water courses and wetlands, and shall comply with Article 11, Environmental Protection.
5. Storm Water Management: The site plan shall provide for the removal of storm water so as to minimize on-site flood conditions and assure the well-being of the users of the property, while not adversely affecting adjacent properties and public and natural drainage systems due to flooding, erosion, sedimentation, or other negative impacts. Storm water management plans shall rely on existing drainage patterns to the greatest extent practical and minimize topographic alterations, and incorporate the necessary measures to discourage soil erosion and sedimentation and the discharge of impurities into the groundwater and surface waters.
6. Circulation: The site plan shall provide vehicular and non-motorized circulation and parking in a manner that ensures visually clear, safe, convenient and efficient travel in the site and at ingress and egress points. The circulation plan shall minimize congestion, conflicting turning patterns, negative impacts upon abutting properties, and the avoidance of unnecessary curb cuts and roads. New curb-cuts, drives and roads shall be coordinated with the existing and planned public circulation system and improvements thereto, and shall ensure adequate sight distances. All buildings shall be arranged as to permit emergency access by some practical means to all sides.
7. Utilities: The site plan shall provide for all necessary utilities and such utilities and easements shall be appropriately located to ensure ease of access and servicing and coordination with other site features. Underground facilities shall be provided to the greatest extent practical.
8. Phasing: Where a project is proposed for construction in phases, the site plan phasing shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety and welfare of the users of project and surrounding properties.
9. Other: Site plans shall conform to all applicable Township planning documents including the goals and

objectives of the Convis Township Master Plan, other ordinances, and state and federal statutes.

### **Section 14.5 Conformity to Approved Site Plans**

Property which is the subject of site plan approval shall be developed in compliance with the approved site plan and any approved changes thereto. If construction or use of the property does not conform to such approved plans, the approved zoning permit shall be subject to revocation pursuant to Section 2.5.

### **Section 14.6 Changes to Approved Site Plans**

**A. Site Plan Changes:** No changes shall be made to an approved site plan prior to, during, or after construction except according to the following procedures:

1. **Major Changes:** Major changes to an approved site plan shall be reviewed and acted upon according to Section 14.3. A "major change" shall be one (1) or more of the following:
  - a. A change in excess of five (5) feet in the location of vehicular circulation ways, parking areas, exterior building walls, freestanding signs, and outdoor storage areas or other outdoor use areas.
  - b. A change in the number of accesses to a street or alley or any other change impacting the basic circulation pattern and/or traffic flow.
  - c. An increase of more than four (4) parking spaces or one-hundred (100) square feet of floor area.
  - d. A change in a building floor plan that alters the essential character of the use or results in the addition of more than four (4) parking spaces.
  - e. An increase in the number of dwelling units, or the realignment of lot lines in a platted or condominium subdivision where such realignment exceeds three (3) feet at any single point.
  - f. An increase of more than three (3) feet in building height.
  - g. An increase of more than ten percent (10%) of a building's floor area or an increase of more than five hundred (500) sq. ft. of building floor area.
  - h. The addition of a building.
  - i. The relocation of outdoor storage areas or other outdoor use areas.
  - j. The re-occupancy of a vacant building.
  - k. Substantive changes to the landscaping and screening concept embodied in the site plan.
2. **Minor Changes:** Minor changes shall be subject to Zoning Administrator approval. Approved changes shall be clearly specified in writing and signed by the Zoning Administrator. The Zoning Administrator shall keep accurate records of approved changes. The Zoning Administrator may defer action on a minor change to the body that approved the original site plan.
  - a. Minor changes to an approved site plan shall include changes not otherwise identified as a major change in (A)(1) including changes to required landscaping and screening where the change will not alter the overall appearance and effectiveness of the required landscaping and screening, and changes to the location, elevation or grade of storm sewer, sanitary sewer, or other utilities.

### **Section 14.7 Pre-Existing Site Plans Under Review**

All development subject to site plan approval shall comply with the regulations and standards of this Ordinance except in the case where a development plan has received preliminary site plan approval prior to the effective date of this Ordinance or amendment thereto. In such case, the final site plan shall be reviewed using the procedures and standards under the Ordinance in effect at the time of the preliminary plan approval, provided the final site plan is filed with the Zoning Administrator within one year of the effective date of this Ordinance or amendment thereto, contains all required information, and is accompanied by all required fees.

### **Section 14.8 Expiration of Site Plan Approval**

Unless expressly authorized otherwise by this Ordinance, an approved site plan shall become null and void at the time the zoning permit issued for the development project may become null and void according to Section 2.5, except that the approval of a site plan shall expire after six (6) months if a zoning permit has not been issued for the development project within six (6) months of the site plan approval. In the case of a multi-phased project, site plan approval for a second or subsequent phase shall become null and void when a zoning permit has not been issued within one (1) year of the intended initiation of such phase, according to the approved site plan.

**End of Article 14**

## **Article 15 SPECIAL LAND USES**

### **Section 15.1 Purpose**

It is the purpose of this Article to specify the process that shall be followed in the review and approval of "Special Land Uses" as authorized by the Use Tables of Article 3 and elsewhere in this Ordinance, including the standards by which such applications shall be evaluated to ensure conformance with this Ordinance and encourage public health, safety and welfare.

### **Section 15.2 Review Procedure**

- A. Application:** An application for a zoning permit for a Special Land Use shall consist of:
1. An application form available from the Zoning Administrator, signed by the property owner(s) and applicant(s), accompanied by all required fees.
  2. A site plan prepared according to Sec. 14.3.
  3. A detailed description of the proposed project, in narrative form and part of a document signed by the applicant. Such description shall address, at a minimum, the intended use of the property and services to be offered, typical day-to-day operational features of the proposed use, hours of operation, number of employees by shift, the extent to which there will be indoor or outdoor storage and the materials to be stored, the extent of hazardous materials to be present and for what purpose, the means of waste disposal, and anticipated traffic by volume and type including the extent to which truck traffic will be present in association with customers and deliveries.
- B. Public Hearing and Planning Commission / Township Board Action**
1. Application for a zoning permit for a Special Land Use shall follow the same general procedures as delineated for site plan review according to Section 14.3 except that upon finding that the application materials are sufficiently complete, the Planning Commission shall hold a public hearing on such application before forwarding a recommendation on the application to the Township Board for final action. Notice of the hearing shall comply with Section 2.11.
  2. When evaluating the Special Land Use application, the Planning Commission and Township Board shall refer to the approval standards set forth in Section 15.6 in addition to the Section 14.4 standards for site plan approval. Action on the application by the Planning Commission and Township Board shall be incorporated in a statement of findings and conclusions relative to the application that specifies the basis for the decision and any conditions of approval.
  3. An application for a Special Land Use shall be an application to determine the appropriateness of both the proposed use on the subject property and the manner in which the proposed use is to be arranged and function on the site as delineated in the required site plan. The use and site plan shall be viewed as inseparable and shall be acted upon through a single motion of approval, conditional approval or denial. See Section 20.2 regarding conditional approvals.

### **Section 15.3 Changes**

**A. Site Plan:** Changes to an approved site plan for a Special Land Use, which are classified as "minor" according to Section 14.6, shall be acted upon as provided in Section 14.6. In the case where such change constitutes a "major" change, such change shall be subject to the same review and approval provisions specified in Section 15.2.

**B. Use or Activity:** A change in the character of the use or activity from what the originally approved zoning permit authorized shall not occur until such change is applied for and approved according to the application and review procedures of Section 15.2. Examples requiring a new application and review procedure include the establishment of another Special Land Use; the expansion or reduction of the land area comprising the original approved Special Land Use application; and the expansion or increase in intensity of the Special Land Use including the erection of additional buildings and the extension of authorized hours of operation.

### **Section 15.4 Appeals**

A person aggrieved in association with a Special Land Use decision may appeal the decision to the circuit court only. This limitation shall not prohibit an applicant from seeking a variance from a specific site development standard of this Ordinance according to Article 16.

### **Section 15.5 Reapplication**

No application for a zoning permit for a Special Land Use which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions having bearing on the basis for the previous denial, as determined by the Township Board. A reapplication shall require a new fee and the process shall follow the provisions of Section 15.2.

### **Section 15.6 Approval Standards**

**A. General Standards:** No Special Land Use application shall be approved except where the application complies with the following standards:

1. The application shall be consistent with the Convis Township Master Plan.
2. The application shall be consistent with the purpose of the zoning district in which it is located.
3. The proposed facility shall be designed, constructed, operated and maintained so as to be compatible with the existing and planned character of the general vicinity, taking into consideration such features as the bulk, placement, and materials of proposed structures, open space areas, lighting, and landscaping and screening of parking and storage areas, and hours of operation.
4. The proposed facility shall not be hazardous, disturbing, or detrimental to the use, peaceful enjoyment, economic value or development of neighboring property, or the vicinity in general, taking into consideration such features as the location of driveways and traffic flow patterns including turning patterns; vehicular and pedestrian safety; the intensity and character of traffic and parking conditions; hours of operation; and the production of noise, glare, vibration, odors, or other external impacts.
5. The proposed facility shall be served adequately by essential public facilities and services such as roads, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools; and minimizes the impact of traffic generated by the proposed development on adjacent properties.
6. The proposed facility shall not require excessive additional public facilities and services requirements at public cost.
7. The proposed facility shall not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to the natural environment including air, soil, surface water, and ground water resources.

**B. Site Plan Approval Standards:** In addition to compliance with the above general standards in subsection (A), an application for a Special Land Uses shall comply with the site plan approval standards of Section 14.4.

### **Section 15.7 Expiration of Special Land Use Approval**

A zoning permit issued for a Special Land Use shall not expire except according to Section 2.5 and in the case where the Special Land Use has been abandoned or has been otherwise inactive for a period of more than three (3) years. Where such a permit has expired, the use shall not be reinitiated except upon approval of a newly submitted application including a public hearing and site plan approval.

**End of Article 15**

## Article 16 ZONING BOARD of APPEALS (ZBA)

### **Section 16.1 Purpose**

The purpose of this Article is to establish a Zoning Board of Appeals (ZBA) pursuant to Public Act 110 of 2006, as amended, including its responsibilities, procedures, and standards of review, to ensure that the objectives of this Ordinance are fully and equitably achieved.

### **Section 16.2 Creation and Membership**

**A. Establishment and Appointment of Members:** The ZBA previously created under the Convis Township Zoning Ordinance adopted on May 25, 1971 shall continue to function under this Ordinance, and each member shall remain in office until such time that the member is not reappointed or otherwise no longer eligible to serve. The ZBA is retained in accordance with Public Act 110 of 2006 as amended. The ZBA shall consist of three (3) members appointed by the Township Board by majority vote. One (1) of the regular members shall be a member of the Planning Commission. One (1) regular or alternate member of a ZBA may be a member of the Township Board but shall not serve as the chairperson. The remaining regular members, and any alternate members as authorized by subsection (B), shall be selected from the electors of the Township residing within. The members selected shall be representative of the population distribution and of the various interests present in the Township. An employee or contractor of the Township Board may not serve as a member of the ZBA.

**B. Alternate Members:** The Township Board may appoint not more than two (2) alternate members to the ZBA. The alternate members shall be called on a rotating basis to sit as regular members of the ZBA in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings of the ZBA. An alternate member may also be called to serve in the place of 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. An alternate member shall serve on a case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the ZBA.

**C. Terms of Appointment:** ZBA members, including alternate members, shall be appointed for three (3) year terms except in the case of a Planning Commission or Township Board member serving on the ZBA whose terms on the ZBA shall be limited to the time they are members of the Planning Commission or Township Board. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term in the same manner as the original appointment. Members may be reappointed.

**D. Removal from Office / Conflict of Interest:** A member of the ZBA may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing by the Township Board. A member shall disqualify himself or herself from deliberations and a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from deliberations and a vote in which the member has a conflict of interest constitutes malfeasance in office.

1. A member of the ZBA shall be considered to have a conflict of interest in the following instances:
  - a. *Immediate Family Member:* An immediate family member of the ZBA member is the applicant "*Immediate family member*" shall be defined as a ZBA member's spouse, father or mother, son or daughter including an adopted individual, brother or sister, and a relative of any degree residing in the same household as the ZBA member.
  - b. *Interest in Property:* The ZBA member has a business or financial interest in the property involved in the application or request, or has a business or financial interest in the applicant's company, agency or association.
  - c. *Interest in Neighboring Property:* The ZBA member owns, or has a financial interest in, neighboring property. For the purposes of this section, a neighboring property shall include any property falling within 300' of the property subject to the application.
  - d. *Reasonable Appearance:* There is a reasonable appearance of a conflict of interest, as determined by the ZBA member, as a result of a significant and unique relationship between the ZBA member and the applicant or subject property not otherwise identified in (a) – (c) above.

### **Section 16.3 Organization**

- A. Rules of Procedure and Officers:** The ZBA shall adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The ZBA shall annually elect from its members a chairperson, vice-chairperson, and secretary.
- B. Meetings and Quorum:** Meetings of the ZBA shall be held at the call of the chairperson and at such other times as the ZBA in its rules of procedure may specify. A majority of the regular membership of the ZBA shall comprise a quorum. The ZBA shall not conduct official business unless a quorum is present. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act (P.A. 267 of 1976, as amended).
- C. Oaths and Witnesses:** The chairperson may administer oaths and compel the attendance of witnesses.
- D. Records/Minutes:** The ZBA shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk, and shall be a public record according to the Freedom of Information Act. All minutes shall state the grounds for each determination, including findings of fact and conclusions, and shall be available to the public according to the Open Meetings Act.
- E. Legal Counsel:** The Township Attorney shall act as legal counsel for the ZBA.

### **Section 16.4 Jurisdiction**

The ZBA shall act upon questions as they arise in the administration of this Ordinance and take other actions as specified in this Ordinance. The ZBA shall perform its duties and exercise its powers as provided in Public Act 110 of 2006, as amended. The ZBA shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but shall have the power to act on those matters so specified in this Ordinance including Ordinance interpretations, variances, and the review of an order, requirement, decision, or determination made by an administrative official or body charged with the administration or enforcement of this Ordinance.

### **Section 16.5 Appeals for Administrative Reviews**

- A. Authority:** The ZBA shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, or decision by the Zoning Administrator or by any other body or official in administering or enforcing the provisions of this Ordinance. Within this capacity the ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of such body or official. The ZBA shall have all the powers of the body or official that made the decision subject to the appeal. The ZBA shall not have the authority to review decisions on special land use, amendment and planned unit development applications.
- B. Standards:** The ZBA shall reverse or otherwise modify the action or decision being appealed only if it finds that the action or decision appealed meets one (1) or more of the following conditions:
1. Was arbitrary or capricious.
  2. Was based upon an erroneous finding of a material fact.
  3. Constituted an abuse of discretion.
  4. Was based upon erroneous interpretation of the Zoning Ordinance or zoning law.
  5. Required procedures were not followed.
- C. Procedures:**
1. **Application Requirements:** A written application for an appeal for administrative review shall be completed and filed with the Zoning Administrator on forms established for that purpose, within twenty-one (21) days after the date of the meeting during which the meeting minutes addressing the decision being appealed were approved or, in the case of a decision by the Zoning Administrator, within twenty-one (21) days of such decision. Application for an administrative review shall specify, at a minimum, the name, address, and phone number of the applicant; the decision being appealed; and the basis for the appeal. A minimum of five (5) copies of the application shall be submitted along with any required application fees.
  2. **Stay:** An appeal of an administrative decision shall stay all proceedings in furtherance of the decision appealed unless the officer or body that made the decision being appealed certifies to the ZBA, after the notice of appeal is filed, that by reason of facts stated in the certification, a stay would cause imminent peril to life or property. If such a certification is filed, the proceedings shall only be stayed by a restraining order. A restraining order may be granted by the ZBA or by the circuit court, on application, on satisfactory demonstration of due cause.

3. Record of Facts / Transmission of Record: Upon receipt of an application for administrative review, the officer or body that made the decision being appealed shall transmit to the ZBA all papers constituting the record associated with the decision being appealed. In hearing and deciding administrative appeals, the ZBA's review shall be based upon the record of the administrative decision being appealed.
  - a. The ZBA shall not consider new information that had not been presented to the administrative official or body that made the decision subject to the appeal except where the ZBA first remands the matter back to the body that made the original administrative decision with an order to consider the new information and affirm or modify its original decision.
4. Hearing: Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 2.11. See Sec. 2.8 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney. See subsection (5) regarding participation at the hearing by a member of the ZBA who is also a member of the Planning Commission or the Township Board.
5. Decision: The ZBA shall render a decision in the form of a motion containing a full record of the findings and determination of the ZBA and basis for such determination, and shall be made part of the meeting minutes. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse or otherwise modify the action subject to the appeal. A member of the ZBA who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing, deliberation, or vote, on the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

## **Section 16.6 Interpretations**

**A. Authority:** The ZBA shall hear and decide upon requests to interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning, including the determination of the precise location of the boundary lines between zoning districts, application of off-street parking requirements for a specific use, and whether a particular use is authorized in a particular district.

**B. Standards:** In deciding on an interpretation, the ZBA shall be guided by the following:

1. A zoning district boundary interpretation shall be guided by Section 3.5.
2. A text interpretation shall be consistent with the intent and purpose of the Ordinance and the specific Article in which the language in question is contained.
3. A text interpretation shall apply to the specific provision for which the interpretation is requested, and shall not extend to matters beyond such specific provision.
4. All text interpretations shall take into account any relevant interpretations previously issued by the ZBA and any relevant past ordinance administration practices.
5. Prior to deciding a request for a text interpretation, the ZBA may confer with Township staff and consultants to gain insight into the provision subject to interpretation and any consequences which may result from differing decisions.

**C. Procedures:**

1. Application Requirements: A written application for an interpretation shall be completed and filed with the Zoning Administrator on forms established for that purpose. Application for an interpretation shall specify, at a minimum, the name, address, and phone number of the applicant; the standard, regulation or provision requiring an interpretation; and a plot plan, site plan, or similar drawing illustrating the application or relevance of such interpretation. A minimum of five (5) copies of the completed application shall be submitted along with any application fees.
2. Hearing: Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 2.11. See Sec. 2.8 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney.
3. Decision: The ZBA shall render a decision in the form of a motion containing a full record of the findings and determination of the ZBA, and basis for such determination, and shall be made part of the meeting minutes. The concurring vote of a majority of the members of the ZBA shall be necessary to make an interpretation.
  - a. A decision providing an interpretation may be accompanied by a ZBA recommendation to the Planning Commission for consideration of an amendment of the Ordinance to address what the ZBA may find is a problematic aspect of the Ordinance.

## **Section 16.7 Variances**

**A. Authority:** The ZBA shall have the power to authorize specific variances from specific site development standards of this Ordinance, such as lot area and width requirements, building height and setback requirements, lot width and depth standards, lot depth to width ratio requirements, off-street parking and loading space standards, and sign standards. The ZBA shall not have the power to authorize variances from requirements of this Ordinance pertaining to permitted uses in a District.

**B. Standards:** The ZBA shall have the power to authorize variances from specific site development requirements provided that all of the standards listed below are met and the record of proceedings of the ZBA contains evidence supporting each conclusion.

1. There are practical difficulties that prevent carrying out the strict letter of this Ordinance due to unique circumstances specific to the property such as its narrowness, shallowness, shape, or topography, which do not generally apply to other property or uses in the same district, and shall not be recurrent in nature. These difficulties shall not be deemed economic but shall be evaluated in terms of the use of the particular lot.
2. The practical difficulty or special condition or circumstance is not a result of the actions of the applicant.
3. The variance will relate only to property described in the variance application.
4. The variance will be in harmony with the purpose of this Ordinance and the intent of the District, including the protection of public health, safety and welfare.
5. The variance will not cause a substantial adverse effect upon surrounding property including property values and the development, use and enjoyment of surrounding property in the neighborhood or District.
6. Strict compliance with the site development requirement in question would unreasonably prevent the property from being used for a permitted purpose, or would render conformity unnecessarily burdensome.
7. The variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.

### **C. Procedures**

1. **Application Requirements:** Application for a variance shall specify, at a minimum, the name, address, and phone number of the applicant; the legal description for the lot subject to the variance; a specification of the Ordinance's standards for which a variance is sought and the specific variance being requested; and a plot plan, site plan, elevation drawing or similar drawing prepared by a registered land surveyor or registered engineer that clearly illustrates property lines, property line bearings and dimensions, existing buildings and structures, and the proposed improvements to the lot for which the variance is requested. In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings, including any information the applicant may choose to submit to demonstrate conformance with the standards of subsection (B). A minimum of five (5) copies of the completed application shall be submitted along with any application fees.
2. **Hearing:** Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 2.11. See Sec. 2.8 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney.
3. **Decision:** The ZBA shall render a decision in the form of a motion containing a full record of the findings and determination of the ZBA, and basis for such determination, and shall be made part of the meeting minutes. The concurring vote of a majority of the members of the ZBA shall be necessary to grant a variance.
  - a. In granting a variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with this Ordinance. In the case where the ZBA prescribes such conditions, the ZBA may require that a performance guarantee be furnished to ensure compliance with such conditions, according to Section 2.7. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance. See Article 20 (Supplemental Provisions) regarding conditional approvals.

**D. Expiration:** A variance shall become null and void unless the construction authorized by such variance has been commenced within one-hundred eighty (180) days after the granting of the variance and that the applicant demonstrates a good faith effort to pursue completion of the project. The Township Board may extend this time restriction with one (1) extension of no more than one hundred eighty (180) days, upon finding that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that undermine the basis for the original issuance of the variance, and that the applicant is making a good faith effort



to pursue completion of the project.

**E. Resubmittal:** No application for a variance that has been acted upon shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly-discovered evidence or proof of changed conditions having bearing on the basis for the original denial, in the discretion of the ZBA.

**Section 16.8 Review by Circuit Court**

**A. Circuit Court Review:** The decision of the ZBA shall be final. However, any party aggrieved by an order, determination or decision of the ZBA may obtain a review thereof in the Circuit Court provided that application is made to the Court within thirty (30) days after the ZBA issues its decision in writing signed by the chairperson, or within twenty-one (21) days after the ZBA approves the minutes of its decision, whichever deadline comes first. The Circuit Court shall review the record and decision of the ZBA to insure that the decision:

1. Complies with the constitution and laws of the State.
2. Is based upon proper procedure.
3. Is supported by competent, material, and substantial evidence on the record.
4. Represents the reasonable exercise of discretion granted by law to the ZBA.

*(Balance of Page Blank)*

**End of Article 16**

## Article 17 ZONING MAP and TEXT AMENDMENTS

### **Section 17.1 Purpose**

This Article establishes procedures for the review and action on amendment petitions. Amendments to this Ordinance shall be processed according to Public Act 110 of 2006, as amended, and in doing so, the procedures of this Article shall be followed. It is not intended that this Ordinance be amended except to correct an error; to address changed or changing conditions including in a particular area in the Township; to institute new or modified measures or standards to ensure the public health, safety and welfare; to conform with the Master Plan or other ordinances of the Township; and to meet a public need for new or additional land uses in appropriate locations.

### **Section 17.2 Initiation of Amendments**

Petitions for amendments may be initiated by the Township Board or Planning Commission, by its own motion, or by petition of one (1) or more owners of property to be affected by the proposed amendment. Only the Township Board may approve an amendment to this Ordinance.

### **Section 17.3 Procedures**

**A. Application, Distribution and Data:** A petitioner shall submit fifteen (15) copies of a completed application to the Zoning Administrator on a form established for that purpose, along with any application fees. The Zoning Administrator shall record the date of their receipt. Upon finding that the application materials are satisfactorily complete, the Zoning Administrator shall transmit copies to the Planning Commission, Township Board, and other agencies or individuals that may be selected to review such petitions such as Township departments and staff, consultants, and the County Road Department.

1. **Zoning Map Change:** When the petition involves a change in the Zoning Map, an application shall be submitted for each lot that is not contiguous to any adjacent lot being proposed for the same amendment, and the applicant shall also submit the following information:
  - a. The applicant's name, address and phone number and interest in the property, and if the applicant is not the owner, the name, address and phone number of the owner.
  - b. A legal description of the property, and a scaled map of the property correlated with the legal description and clearly showing north orientation; the property's location, right-of-ways and easements within and adjacent to the property; and the delineation of adjacent land uses and adjacent zoning district classifications including on the opposite side of adjacent roads.
  - c. A description of the site's features including acreage and road frontage; adjacent road right-of-ways; easements including their location, purpose and width; utility services to or adjacent to the property and their location; existing structures and buildings; topographic conditions; and the presence of wetlands, water bodies, and drainage courses.
  - d. The desired zoning district classification change and reasons for such change.
  - e. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

#### **B. Planning Commission Action**

1. **Public Hearing:** Upon reviewing the application materials and finding them to be satisfactorily complete, the Planning Commission shall establish a date for a public hearing on the application and hold such hearing. Notice of the hearing shall comply with Section 2.11. An application not properly filed or complete may be returned to the applicant with a written notice of deficiencies.
2. **Planning Commission Review for Text Amendments:** If the petition involves an amendment to the text of the Ordinance, the minimum matters to be considered shall include:
  - a. Is the amendment petition supported by documentation that the proposed amendment would minimize problems or conflicts with specific sections of the Ordinance?
  - b. Is the amendment petition supported by reference materials publications, information gained at seminars or experiences of other communities, to more effectively address certain zoning issues?
  - c. Is the amendment petition supported by significant case law?
  - d. Will the amendment petition correct an inequitable situation created by this Ordinance rather than merely grant special privileges?
  - e. Is the amendment petition in accordance with the purpose of this Ordinance?

3. Planning Commission Review for Map Amendments: If the petition involves an amendment to the official zoning map, minimum matters to be considered shall include:
  - a. Are there identifiable conditions that have changed that justify the proposed zoning district change including trends in land development and/or public services and facilities in the vicinity?
  - b. What is the impact of the zoning district change on the ability of the Township and other governmental agencies to provide adequate public services and facilities that may be reasonably required in the future if the proposed zoning district change is adopted?
  - c. Will the petitioned district change substantially and adversely affect the value of the surrounding land?
  - d. Is the site's environmental features compatible with the host of uses permitted in the proposed district, and will development under the petitioned district change be likely to adversely affect environmental conditions?
  - e. Does the subject property comply with all requirements of the proposed zoning district and can the use of the property be reasonably expected to comply with the proposed district's standards?
  - f. Is the subject property able to be put to reasonable economic use in the zoning district in which it is presently located?
  - g. Is the proposed district consistent with the zoning classification of surrounding land?
  - h. Is the proposed district change in accordance with the purpose of this Ordinance?
  - i. Does the proposed district change generally comply with the Master Plan?
  - j. What are the precedents and the possible effects of such precedent that might result from the approval or denial of the petition?
4. Planning Commission Recommendation and Referral to County Planning Commission: Following the hearing during the same or a subsequent meeting, the Planning Commission shall transmit a summary of comments received at the hearing to the Township Board, along with its recommended action on the petition. The Planning Commission shall also transmit the proposed amendments and its recommended action on the petition to the Calhoun County Planning Commission for its advisory comments.

**C. Township Board Action:** After receiving the findings and recommendations of the Planning Commission, the Township Board at a regular meeting or at a special meeting called for that purpose, shall consider said findings and recommendations. The Township Board may refer any proposed amendment back to the Planning Commission for further consideration and comment within a time specified by the Township Board, and may direct the Planning Commission to hold a public hearing on any proposed changes identified by the Township Board. The Township Board may adopt the amendment, with or without changes. Such action shall be by Ordinance, requiring a majority vote of the Township Board.

1. County Planning Commission Review: The Township Board shall not take action on a petition prior to receiving the advisory comments of the County Planning Commission, except that if the Township Board has not received the County Planning Commission's comments within thirty (30) days of the submittal by the Township Planning Commission to the County Planning Commission, the Township Board need not delay taking action on the petition.
2. Additional Hearing: The Township Board may hold additional public hearings if the Township Board considers it necessary. The Township Board shall grant a hearing on the proposed amendment to any interested property owner who has filed a written request to be heard. Such written request shall take the form of a certified mail letter from the property owner to the Township Clerk. A hearing under this subsection (2) is not subject to the notice requirements of Section 2.11 except that notice of the hearing shall be given to the interested property owner according to Section 2.11(A) and (C). The Township Board may require the property owner to justify the property owner's interest on which the additional hearing request is based.

**D. Publication of Notice of Ordinance Amendments:** Following adoption of amendments by ordinance by the Township Board, the amendment ordinance shall be filed with the Township Clerk and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Promptly following adoption of an amendment ordinance by the Township Board, a copy of the notice of adoption shall also be mailed to the airport manager of each airport that registers its name and mailing address with the Township Clerk for the purpose of receiving such notices. The adoption notice shall provide either a summary of the regulatory effect of the amendments including the geographic area affected, or the text of the amendment, and the effective date of the amendment ordinance and the place and time where a copy of the amendment ordinance may be purchased or inspected.

1. Effective Date: The effective date of an amendment ordinance shall be the expiration of seven (7) days after publication of the notice of adoption as provided in (D) except where the Township Board expressly provides for a greater number of days.

## **Section 17.4 Conditional Rezoning**

**A. Intent:** It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act, as amended, by which a property owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

**B. Offer of Conditions and Application Process:** A property owner may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time in writing during the rezoning process. 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 17.4.

1. A property owner shall not be required to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect a property owner's rights under this ordinance.
2. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered into voluntarily by the property owner. A property owner may withdraw all or part of the offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs after 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. Limitations on Conditions**

1. No use or structure may be authorized in association with a conditional rezoning that is otherwise prohibited in the respective district or classified as a special land use.
2. No conditional rezoning shall serve as plot plan or site plan approval, and no construction shall be initiated following a conditional approval except upon the approval of a plot plan or site plan and the issuance of a zoning permit.
3. No conditional rezoning shall constitute an approval of a variance from the standards of this Ordinance. Development that relies on the issuance of one or more variances shall be subject to Zoning Board of Appeals action prior to the seeking of plot plan or site plan approval.

### **D. Planning Commission and Township Board Review and Action**

The Planning Commission and the Township Board shall review and act on the conditional rezoning according to Section 17.3. Approval of a conditional rezoning shall comply with subsection (E) below.

### **E. Approval**

1. **Statement of Conditions.** 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 property 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. The Statement of Conditions shall:
  - a. Be in a form recordable with the Calhoun County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the property owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
  - b. Contain a legal description of the land to which it pertains.
  - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
  - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the property owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
  - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the County Register of Deeds.
  - f. 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.

2. Zoning Map. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
3. Filing with the Register of Deeds. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the County Register of Deeds. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions 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. Effect of Approval. 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 district as modified by any more restrictive provisions contained in the Statement of Conditions.

**F. Compliance with Conditions**

1. Failure to Comply. 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 ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
2. Permits. No permit or approval shall be granted under this ordinance for any use or development that is contrary to an applicable Statement of Conditions.

**G. Time Period for Establishing Development or Use:** The approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within twelve (12) months after the rezoning takes effect and thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the Township Board if 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 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 districts or uses in the surrounding area or otherwise inconsistent with sound zoning policy.

**H. Reversion of Zoning:** If the approved development and/or use of the rezoned land does not occur within the time frame specified under subsection (G), the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

**I. 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 property owner's written request, the Township Clerk shall record with the County Register of Deeds a notice that the Statement of Conditions is no longer in effect.

**J. Amendment of Conditions:** During the time period for commencement of an approved development or use specified pursuant to subsection (G) above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions. The Statement of Conditions may be altered only after a public hearing on such proposed modifications and according to the same procedures specified in this Section 17.4 for the original rezoning and Statement of Conditions.

**K. Township Right to Rezone:** Nothing in the Statement of Conditions or the provisions of this Section 17.4 shall be deemed to prohibit the Township from rezoning all or a portion of land that is subject to a Statement of Conditions to another zoning classification provided there is conformance to the procedures of this Article.

**Section 17.5 Resubmittal**

No petition for an amendment that has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly-discovered evidence or proof of changed conditions, found upon inspection by the Planning Commission to be valid.

**End of Article 17**

**Article 18**

**(RESERVED FOR FUTURE USE)**

*(Balance of Page Blank)*

**End of Article 18**



**Article 19**

**(RESERVED FOR FUTURE USE)**

*(Balance of Page Blank)*

**End of Article 19**

## Article 20 SUPPLEMENTAL PROVISIONS

### **Section 20.1 Purpose**

The purpose of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations, or standards in addition to the regulations contained elsewhere in this Ordinance, and to establish such exceptions, regulations, and standards. The following supplemental provisions apply to all uses and all zoning districts unless otherwise indicated.

### **Section 20.2 Conditional Approvals**

**A. Conditions on Discretionary Decisions:** The Zoning Administrator, Planning Commission, Zoning Board of Appeals, and Township Board may attach conditions to the approval of a site plan, special land use, variance or other discretionary approval. Such conditions shall be based upon standards in this Ordinance and may be imposed to:

1. Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
2. Protect the natural environment and conserve natural resources and energy.
3. Insure compatibility with adjacent uses of land.
4. Promote the use of land in a socially and economically desirable manner.

**B. Requirements for Valid Conditions:** Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

**C. Record of Conditions and Changes:** Any conditions imposed shall be recorded in the record of the approval action. These conditions shall not be changed except upon the mutual consent of the approving authority and the property owner.

**D. Performance Guarantees:** Performance guarantees may be required to ensure compliance with conditions on discretionary decisions pursuant to the requirements of Section 2.8.

### **Section 20.3 Moving Buildings**

No existing building or structure within or outside of the Township shall be relocated to any lot in the Township unless the building or structure complies with this Ordinance and the Michigan Construction Code and a zoning permit has been issued for such relocation.

### **Section 20.4 Essential Services**

Essential services as defined in this Ordinance shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt essential services from the application of this Ordinance. This exception shall not apply to buildings, communication towers, public utility storage yards, substations and similar above-ground structures and uses associated with such essential services.

### **Section 20.5 One Dwelling Unit / Principal Use per Lot**

**A. Dwellings:** No more than one (1) dwelling unit shall be established on a lot except as otherwise authorized by this Ordinance, such as in the case where Tables 3-2 or 3-3 of Article 3 authorize two-family or multiple family dwellings, or where a temporary dwelling may be authorized (Section 20.7, Temporary Dwellings).

**B. Principal Uses:** No more than one (1) use classified as a principal use according to Tables 3-2 and 3-3 of Article 3 shall be established on a lot except in compliance with all procedural, use and site development requirements for each individual use, including compliance with Tables 3-2 and 3-3 regarding authorized uses in each district, Table 3-4 of Article 3 regarding site development requirements, and the procedural requirements for each use including plot plan review, site plan review and/or special land use review.

**Section 20.6 Single Family Dwelling Standards**

A. All single family dwellings and modifications thereto shall comply with the requirements of this Ordinance including the following standards, provided that the foregoing standards shall not apply to temporary dwellings, or mobile homes located in a licensed manufactured housing community, except to the extent required by State and Federal law. Nothing in this Section shall be construed as prohibiting the establishment of a single family dwelling within or as part of a larger building, such as in the case of a barn, provided that portion of the building occupied by such dwelling complies with the provisions of this Section.

1. Floor Area: The dwelling shall have a minimum total floor area of 960 square feet, excluding floor area devoted to a basement, garage, utility rooms, breezeways, and open or screened-in outdoor spaces commonly referred to as a deck, unenclosed porch, or any other similar spaces that are not fully enclosed by walls and a roof.
2. Dimensions: The dwelling shall have a minimum straight line dimension of twenty (20) feet across each of its front, side and rear elevations.
3. Compliance with Michigan Construction Code: The dwelling and all modifications thereto shall comply in all respects with the Michigan Construction Code and any fire codes of the Township. Where a dwelling is required by law to comply with federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by such codes, then and in the event such federal or state standard or regulation shall apply.
4. Foundations and Mobile Home Construction Standards: The dwelling shall be firmly attached to a permanent foundation constructed on the site in accordance with the Michigan Construction Code and shall have a wall of the same perimeter dimensions of the dwelling, except in the case of cantilever architecture, and constructed of such materials and type as required by the Construction Code for such dwelling. No dwelling shall have exposed wheels, towing mechanism, undercarriage, or chassis.
  - a. A mobile home shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device, and shall be set on a concrete footing with a masonry wall extending from the perimeter wall of the dwelling to ground, or on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground, made of commercial quality or equivalent, and comply with the rules and regulations of the Michigan Manufactured Housing Commission, the Public Health Department, and HUD Regulations 24 CFR 3280, being the "Mobile Home Construction and Safety Standards".
  - b. A mobile home shall meet the Manufactured Home Construction and Safety Standards Act of 1974 (as amended) or be certified by HUD to be approved for occupancy and to be placed on a new site. For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standards for Mobile Homes, NFPA 501, ANSI 119.1, in effect at the time of manufacture, is required, as identified in the Michigan Residential Code, Appendix E definitions.
5. Doors and Steps: The dwelling shall have not less than two (2) exterior doors, with one (1) of the doors being located along a different side of the dwelling than the other door. The dwelling shall have permanently attached steps connected to exterior door areas, or to enclosed or unenclosed porches connected to exterior door areas, where the difference in elevation exceeds twelve (12) inches.
6. Additions and Modifications: Any additions or modifications to a dwelling shall be constructed of similar or better quality workmanship as the original structure, including permanent attachment to the principal structure and foundation.
7. Storage Area: The dwelling shall contain storage area equal to ten percent (10%) of the square footage of the dwelling or one-hundred (100) square feet, whichever shall be less, and shall be located in a basement part of the dwelling, in an attic area, in closet areas, or in a separate structure constructed of similar or better quality workmanship as the dwelling. Such required storage area shall be in addition to any interior storage area used for the parking of vehicles.
8. Sewage Disposal and Potable Water: The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the County Health Department.
9. Roof Drainage: The dwelling shall have a roof overhang of not less than six (6) inches along all sides or shall have recessed windows and roof drainage systems concentrating roof drainage at collection points.
10. Exterior Surfaces: The dwelling's wall and roof areas shall have a finished surface that is non-reflective and non-glare-producing. The finished surfaces shall be of weather-protecting materials such as brick, wood, vinyl, concrete and similar protective materials, commonly used by the housing industry and designed as an outdoor exterior surface including resistance to deterioration and damage from weather conditions. Surfacing shall be maintained to ensure an effective protective covering for the more interior parts of the dwelling's walls and roof and shall be promptly repaired upon deterioration or other damage.

11. Compatibility of Design: The dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity. The compatibility of design and appearance shall be determined by the Zoning Administrator upon review of the plans submitted for a particular dwelling. A determination of compatibility shall be based upon the standards set forth in this Section as well as the character, design and appearance of one (1) or more dwellings located in the Township within two-thousand (2,000) feet of the subject dwelling but outside of a manufactured housing community or, where no other dwelling is present, by the general character, design and appearance of one (1) or more dwellings outside of a manufactured housing community located elsewhere in the Township and similarly meeting the standards of this Section. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, unique land contour, or relief from the common or standard designed home, provided there is compliance with the standards of this Section.

## **Section 20.7 Temporary Dwellings**

**A. Authorization/Application:** Temporary dwellings are prohibited except as authorized by this Section. Application for and authorization of a temporary dwelling shall require the submittal of a zoning permit application available from the Zoning Administrator, including a plot plan prepared according to Section 2.4(B) and which delineates the proposed location of the temporary dwelling.

**B. Basis for Temporary Dwellings:** Except as may be provided by subsection (E) and (F), a temporary dwelling may be authorized for the following purposes only:

1. Emergency Housing: A temporary dwelling may be authorized by the Zoning Administrator to allow a recreational vehicle or mobile home to be placed on the lot while the existing permanent dwelling on the same lot is under repair due to destruction by fire, collapse, explosion, Acts of God, or acts of a public enemy, to the extent that it is no longer safe for human occupancy and a zoning permit and building permit have been issued for repairs.
2. New Home Under Construction: A temporary dwelling may be authorized by the Zoning Administrator to allow a recreational vehicle or mobile home to be placed on the lot while a permanent dwelling on the same lot is under new construction and for which a zoning permit and building permit have been issued.
3. Family Member Assistance: A temporary dwelling may be authorized by the Township Board to allow a recreational vehicle or mobile home to be placed on a lot on which a permanent dwelling is located, to facilitate the daily care of one (1) or more aged or ailing family members of an occupant of the permanent dwelling, where the aged or ailing family member is not capable of functioning independently on a daily basis due to physical impairments. The Township Board may require medical documentation in support of the necessity for the assisted care.

**C. Standards:** A temporary dwelling authorized under this Section shall comply with the following.

1. Yard Restrictions: A temporary dwelling shall not be located in a front yard except in the case of a temporary dwelling issued under subsection (B)(1) and (2), upon a finding by the Zoning Administrator that no reasonable alternative is available.
2. Setbacks: A temporary dwelling shall comply with the setback standards of the District for the permanent dwelling except that in the case of a temporary dwelling issued under subsection (B)(1) and (2), the Zoning Administrator may permit a reduction of up to fifty percent (50%) of the normally required setback upon finding that the location of the permanent dwelling, or other features of the lot, prohibit compliance with such setbacks.
3. Potable Water and Sewage Disposal: A temporary dwelling shall comply with county health department rules and regulations for potable water and sewage disposal. The temporary dwelling shall be connected to a county-approved on-site septic system or sewer system unless the Zoning Administrator determines that the permanent dwelling continues to provide necessary potable water and sewage disposal.

**D. Permit Duration and Removal**

1. Permit Duration:
  - a. In the case of a permit issued pursuant to subsection (B)(1) or (2), the permit issued by the Zoning Administrator shall be for a period not exceeding one hundred eighty (180) days. The Zoning Administrator may renew a temporary dwelling permit no more than once and for a period not to exceed one hundred eighty (180) days, upon the applicant adequately demonstrating that construction delays have been beyond the control of the applicant and that construction completion is continuing in an earnest manner.
  - b. In the case of a permit issued pursuant to subsection (B)(3), the permit issued by the Township Board shall be for a period not exceeding twenty-four (24) months. The Township Board may

renew the temporary dwelling permit on a yearly basis, upon the applicant adequately demonstrating that the family member continues to require assisted care. The Township Board may require medical documentation in support of the necessity for the continued assisted care.

2. **Removal:** A temporary dwelling shall be removed from the lot no later than the termination date of the permit or within thirty (30) days of the issuance of a certificate of occupancy for the permanent dwelling in the case of subsection (B)(1) and (2), whichever comes first. A performance guarantee in an amount prescribed by the Township Board's adopted fee schedule shall be required at the time a permit is issued to ensure the temporary dwelling is removed upon the termination of the permit.

**E. Temporary Visitation Exception:** Nothing in this Section shall be construed to prohibit a recreational vehicle being used as a temporary dwelling on any lot on which a permanent dwelling is located and which permanent dwelling includes operational water and sewage disposal facilities accessible to the occupants of the recreational vehicle, for the purpose of visitation. A zoning permit is not necessary for such temporary dwelling.

**F. Migrant Labor Temporary Housing:** See Section 20.18 regarding migrant labor temporary housing.

## **Section 20.8 Accessory Buildings**

**A. Scope:** Accessory buildings shall be subject to the regulations of this Section except where expressly regulated otherwise by this Ordinance. No provisions of this Section shall be interpreted as authorizing accessory buildings that do not conform to the definitions of Article 21 pertaining to the same.

**B. Permit Required:** No accessory building shall be erected prior to the issuance of a zoning permit provided that a permit is not required in the case of a building that does not exceed two hundred (200) sq. ft. in floor or ground area but such building shall comply with all requirements of this Ordinance including height and setback standards. Applications for accessory buildings shall be administered and reviewed as part of an original or proposed revised plot plan (Section 2.4(B)) or site plan (Article 14).

### **C. Site Development Standards**

1. **Yards:** Accessory buildings are permitted in front, side and rear yards.
2. **Setbacks:** Unless specified otherwise in this Ordinance, accessory buildings shall be set back a minimum five (5) feet from side and rear lot lines and shall be set back from a front lot line a minimum distance equal to the required front yard setback for the principal building.
3. **Heights:** Unless specified otherwise in this Ordinance, accessory buildings shall comply with the height standards applicable to principal building on the lot according to Table 3-4 of Article 3.
4. **Building Coverage:** No accessory building shall be erected that results in noncompliance with the building coverage standards of Table 3-4 of Article 3 or as regulated elsewhere in this Ordinance. In the case of a lot used for residential purposes, the maximum portion of a yard that may be covered by accessory buildings shall not exceed thirty percent (30%).
5. **Utilities:** An accessory building shall not be located so as to interfere with the proper functioning of utilities including existing and proposed back-up septic drain fields.
6. **Nearby Buildings:** An accessory building shall not be located within ten (10) feet of another building except as may be permitted by the State Construction Code according to properly rated fire walls.

**D. Habitation of Accessory Buildings:** No dwelling shall be located within an accessory building except where such dwelling complies with the State Construction Code, and such accessory building shall comply with the required minimum setbacks for the principal dwelling.

**E. Prior to a Principal Structure.** A building customarily associated with a principal building and commonly considered an accessory building to such principal building, such as in the case of a detached garage or storage building in association with a dwelling, may be erected on any lot prior to the erection of any other building provided the use of such building is customarily associated with a primary use authorized in the respective district.

**F. Materials/Construction:** Accessory buildings shall comply with the following standards irrespective of the size of such buildings and structures.

1. **Exterior:** An accessory building or roofed structure serving a residential use shall incorporate exterior materials commonly employed by the residential construction industry and which shall withstand local wind and other weather conditions, and which shall not be subject to rust, rot, or other degradation. In no case shall the exterior of an accessory building consist of exposed untreated wood, plywood or particle board, or wood scraps. No exterior surfaces shall be comprised of insulation or other materials not designed for and commonly considered as an exterior surface by the residential construction industry.
2. **Workmanship:** All accessory buildings shall be of sound construction and in accordance with industry standards.

### G. Cargo Containers

1. Cargo Containers Defined: For the purpose of this subsection, a “cargo container” shall be defined as any portable, reusable container generally referred to as a sea cargo container, cargo container, or pod, and primarily designed or used for transporting freight by commercial transportation. When used for any purpose other than transporting freight, a cargo container shall constitute an accessory building.
2. Authorization and Restrictions: Cargo containers are permitted in all districts, subject to the same setbacks as required for a principal building according to Table 3-4 of Article 3, and shall be considered in the calculation of building coverage. Cargo containers in Residential Districts shall be white or an earth-tone color, shall not exceed three hundred (300) sq. ft., and no more than one (1) shall be located in a yard.

### H. Items Prohibited as Accessory Buildings: The following are prohibited as an accessory building:

1. Mobile Homes: Mobile homes, irrespective of how the home may be used including for storage purposes.
2. Vehicles: Tractor trailers, cargo crates or canisters, designed for hauling by motor vehicle, and similar vehicles and vehicle parts, converted or otherwise, except as authorized according to subsection (G).
3. Accessory Building/Structure Definitions: Any building or structure or other aspect of a lot that does not conform to the definitions of Article 21 pertaining to accessory building and structure.

## **Section 20.9 Accessory Structures Not Constituting Buildings**

**A. Scope:** This Section applies to accessory structures that do not constitute buildings. Accessory structures shall be subject to the regulations of this Section except where expressly regulated otherwise by this Ordinance. No provisions of this Section shall be interpreted as authorizing accessory structures that do not conform to the definition in Article 21 pertaining to the same.

**B. Permit:** No zoning permit is required for an accessory structure that does not constitute a building except as may be required elsewhere in this Ordinance, including in the case of outdoor furnaces (Section 20.16), but such structure shall comply with all requirements of this Ordinance. Where a zoning permit is required, applications shall be administered and reviewed as part of an original or proposed revised plot plan (Section 2.4(B)) or site plan (Article 14). See also Section 2.2(C).

### C. Site Development Standards

1. Yards: Accessory structures are permitted in front, side and rear yards.
2. Setbacks: Unless specified otherwise in this Ordinance, accessory structures that exceed two hundred (200) sq. ft. in floor or ground area shall be set back a minimum distance of five (5) feet from all lot lines.
3. Heights: Unless specified otherwise in this Ordinance, accessory buildings shall comply with the height standards applicable to the principal building on the lot according to Table 3-4 of Article 3.
2. Utilities: An accessory structure shall not be located so as to interfere with the proper functioning of utilities including existing and proposed back-up septic drain fields.

## **Section 20.10 Home Occupations**

**A. Definitions:** For the purpose of this Section and Ordinance, the following phrases and definitions shall apply:

1. Home Occupation: An occupation or profession conducted on the same lot as an occupied dwelling, accessory to and incidental to the principal residential use of the premises, and complies with the standards of this Section.
  - a. Class 1 Home Occupation: A home occupation that is conducted entirely within the dwelling, excluding an attached garage, and complies with the provisions of this Section.
  - b. Class 2 Home Occupation: A home occupation that is conducted wholly or in part outdoors or in an accessory building, including a garage, and complies with the provisions of this Section.

**B. Authorization:** The operating of a home occupation is permitted according to the regulations and standards of this Section.

1. Class 1 Home Occupation: A Class 1 Home Occupation is permitted as an accessory use to the principal residential use of a lot upon the issuance of a zoning permit, and shall comply with the standards of subsection (C).
2. Class 2 Home Occupation: A Class 2 Home Occupation is classified as a special land use and is permitted as an accessory use to the principal residential use of a lot upon the issuance of a zoning permit. A Class 2 Home Occupation shall be subject to the provisions of Article 15 and the standards of subsection (C) below. A permit issued for such home occupation shall clearly delineate any conditions upon which such approval is granted. In addition to the information required by Article 15, including a site plan, an application for a Class 2 home occupation shall also include a detailed description of the

character of the home occupation such as service or product offered; the number of full-time and part-time employees of the business and the frequency at which such employees will be present at the site; the type and frequency of vehicular traffic to be generated by the home occupation; the location of all parking, delivery and storage areas; and proposed landscaping/screening in association with any outdoor area including parking and storage areas, to minimize negative impacts on nearby properties.

**C. Standards.** Class 1 and 2 home occupations shall comply with the following standards:

1. **Secondary:** The occupation shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential residential character of the premises including the exterior appearance of the dwelling and yard areas. The dwelling shall have no exterior evidence of the home occupation except for a sign as permitted by Article 8.
2. **Nuisances:** The occupation shall not produce any noise, odors, vibration, vapors, fumes or smoke detectable to normal sensory perception beyond the lot lines, and similar nuisances. No equipment or process shall be used which creates electrical interference in any radio, television, or communication receivers off the premises, or cause fluctuations in line voltage off the premises.
3. **Management:** A resident of the dwelling on the lot shall be actively and personally engaged in and be responsible for all home occupation operations.
4. **Hazardous Materials:** The home occupation shall not involve the use or storage of explosive, flammable, or otherwise hazardous materials and waste not otherwise of a customary household nature, except as may be authorized in the case of a Class 2 home occupation. Refuse generated by a home occupation shall be safely and properly disposed of.
5. **Area/Size:** A Class 1 home occupation shall not occupy an area greater than thirty percent (30%) of the gross floor area of the dwelling, and such calculation shall exclude the area of a basement. A Class 2 home occupation shall not occupy a total indoor area greater than twelve hundred (1,200) sq. ft. and a total outdoor area of greater than six hundred (600) sq. ft.
6. **Employees:** In the case of a Class 1 home occupation, no employee shall be present on the premises during the ordinary course of business excluding employees residing in the dwelling. In the case of a Class 2 home occupation, no more than one (1) person shall be present on the premises during the ordinary course of business, excluding employees residing in the dwelling, provided this provision shall not prohibit the arrival of up to two (2) additional employees to the premises for the purpose of receiving daily instructions for work to be performed elsewhere and provided there is compliance with subsection (7) below.
7. **Traffic:** All combined pedestrian and vehicular arrivals to the home occupation shall not exceed twelve (12) during the daily course of business, including those by customers, sales people, delivery persons, and other business visitors.
8. **Outdoor Activities:** No portion of a Class 1 home occupation shall be located outdoors including the storage of equipment and materials. No portion of a Class 2 home occupation shall be located outdoors except as may be expressly authorized as part of an approved site plan, where the site plan approving body determines adequate screening measures are to be in place to minimize its visual and audio impacts on nearby roads and lots.
9. **Retail Sales:** Retail sales on the lot are permitted but only as an incidental and secondary aspect of the occupation, and no more than one-hundred (100) sq. ft. of floor area shall be used for the display of items for sale.

**Section 20.11 Fences and Walls**

**A. General Provisions:** All fences and walls shall comply with the following irrespective of the purpose or manner in which it is used:

1. **Setbacks:** Fences and walls shall not be subject to setback requirements except as may be required elsewhere in this Ordinance.
2. **Materials:** Fences and walls shall be constructed of materials customarily designed and intended for such purposes. In no case shall a fence or wall be constructed of rotting lumber, pallets, glare-producing materials, rubbish, trash, tires, vehicle or vehicle component parts, tree stumps or limbs, or any materials that encourage habitats for pests and vermin.
3. **Maintenance:** All fencing and walls shall be maintained in good exterior and structural condition.
4. **Clear Vision:** No fence or wall shall be erected along or near a road in such a manner as to obstruct safe, free and clear vision of oncoming traffic or vehicles attempting to access such road or negotiate movement through an intersection. See Section 20.15 regarding clear vision zones.
5. **Finished Side Orientation:** In the case where a fence or wall is within fifty (50) feet of an adjacent lot, the finished side of the fence or wall shall face the adjacent lot.



6. Security Measures: Fences and walls with barbs, spikes, nails, or other sharp or electrified devices are prohibited except in Commercial and Industrial Districts, or as may be approved in association with a use subject to special land use approval.
7. Double-Frontage Lots: In the case of a double-frontage lot, the front yard height restrictions of this Section shall apply to only one (1) of the yards having frontage, and the other frontage yard shall comply with the rear yard restrictions.
8. Zoning Permit: No fence or wall shall be erected prior to the issuance of a zoning permit.

**B. Agricultural and Conservation Districts:** Fences and walls in Agricultural and Conservation Districts shall comply with the following:

1. Front Yard: No fence or wall exceeding five (5) feet in height, measured from the ground below, shall be erected in a front yard and shall be of unified open construction so as not to be more than fifty percent (50%) opaque across any five (5) foot segment.
2. Side and Rear Yard: No fence or wall exceeding eight (8) feet in height, measured from the ground below, shall be erected in a side or rear yard and may be of open or solid construction.
  - a. In the case where a proposed fence or wall is to be located within fifty (50) feet of a dwelling located on an adjacent lot in other than an Agricultural or Conservation District, the side and rear yard fence or wall within fifty (50) feet of the dwelling shall comply with the restrictions of the respective district.
4. General Provisions: See subsection (A).

**C. Residential Districts:** Fences and walls in Residential Districts shall comply with the following:

1. Front Yard: No fence or wall exceeding four (4) feet in height, measured from the ground below, shall be erected in a front yard and shall be of unified open construction so as not to be more than fifty percent (50%) opaque across any five (5) foot segment.
2. Side and Rear Yard: No fence or wall exceeding six (6) feet in height, measured from the ground below, shall be erected in a side or rear yard and may be of open or solid construction.
  - a. In the case where a proposed fence or wall is to be located within fifty (50) feet of a dwelling located on an adjacent lot in other than a Residential District, the side and rear yard fence or wall within fifty (50) feet of the dwelling shall comply with the restrictions of the respective district.
3. General Provisions: See subsection (A).

**D. Commercial and Industrial Districts:** Fences and walls in Commercial and Industrial Districts shall comply with the following:

1. Front Yard: No fence or wall exceeding six (6) feet in height, measured from the ground below, shall be erected in a front yard and shall be of unified open construction so as not to be more than fifty percent (50%) opaque across any five (5) foot segment.
2. Side and Rear Yard: No fence or wall exceeding eight (8) feet in height, measured from the ground below, shall be erected in a side or rear yard and may be of open or solid construction.
3. General Provisions: See subsection (A).

## **Section 20.12 Farm Markets (Roadside Stands)**

**A. Standards:**

1. Farm markets shall comply with the most current Generally Accepted Agricultural Management Practices as published by the Michigan Agriculture Commission, including limitations on the range of products sold. All products sold shall be farm products.
2. Outdoor display areas and any structure part of a farm market shall be located a minimum of twenty (20) feet from a public road right-of-way and all other lot lines.
3. That portion of building housing a farm market shall not exceed five hundred (500) sq. ft. and fifteen (15) feet in height.
4. No parking shall be in a public right-of-way. An area suitable for the orderly accommodation of a minimum of four (4) parked vehicles shall be provided. Access into and out of a parking area shall be by separate "in" and "out" drives unless a single clearly defined combined access drive of a minimum twenty-four (24) feet in width is provided. Parking facilities shall not permit the backing of a vehicle onto a public road.
5. Suitable containers for rubbish shall be placed on the premises for public use.

**B. Exemption:** The standards of this Section regarding setbacks, access drives and parking shall not apply to farm markets that have a product display area no greater than twenty-four (24) sq. ft. in area.

### **Section 20.13 Outdoor Residential Swimming Pools**

**A. Permit/Application:** No outdoor swimming pool on a residentially-used lot shall be erected prior to the issuance of a zoning permit from the Zoning Administrator, and the necessary building permits from the Building Inspector. Application for a zoning permit shall be made to the Zoning Administrator on a form for such purpose and shall be accompanied by a plot plan (Section 2.4(B)) that identifies the location of the pool, pool decks, adjacent buildings, fencing, and gates.

#### **B. Standards**

1. No pool or pool fencing shall be located in a front yard.
2. No pool shall be located under electrical wires and similar utility devices.
3. All swimming pools shall be designed, constructed and maintained in compliance with all building codes and the rules and regulations of county and state health departments, including cleanliness, fencing, self-latching access gates, and other safety measures.
4. No swimming pool shall be occupied prior to receiving approval from the Building Inspector.

### **Section 20.14 Site Condominiums**

**A. Intent:** The intent of this Section is to provide requirements for site condominium projects similar to those required for projects developed under other forms of ownership. This section is not intended to prohibit or treat site condominium projects different than similar projects developed under another form of ownership.

**B. Applicability of District Regulations:** A site condominium project, including single family detached units, shall comply with all standards of the district within which it is located including use, setback, height, building coverage, lot area, and lot width requirements, and all other provisions of this Ordinance. A condominium unit in a site condominium is that portion of the project intended to function generally similar to a platted subdivision lot and shall comply with the use, setback, height, building coverage, lot area, and lot width requirements of the District within which it is located and all other provisions of this Ordinance.

#### **C. Review and Approval Procedures:**

1. **Zoning Permit Required:** No grading or any other form of construction shall be initiated for a site condominium prior to the approval of a final site plan and issuance of a zoning permit. The future erection of any dwelling or other structure or building in the site condominium, not expressly approved as part of the final site plan, shall require an additional zoning permit prior to erection.
2. **Site Plan Approval Required:** The issuance of a zoning permit shall require the submittal and approval of a site plan pursuant to Article 14, Site Plan Review, and master deed and bylaw documents.
  - a. In addition to the site plan information required by Article 14, the applicant shall submit information constituting a condominium subdivision plan, including the size, location, area, width, and boundaries of each condominium unit; building locations; the nature, location, and approximate size of common elements; and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
3. **Master Deed/Bylaws Approval Required:** The application submittal shall include a copy of the proposed master deed and bylaws. These shall be reviewed for compliance with Township ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage-ways and the cost to periodically clean out such drainage ways to keep them functioning as intended in the approved plans. The master deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the master deed must conform to Township, County, and State laws and regulations. The Master Deed shall also include any variances granted by Township, County, or State authorities and include a hold harmless clause from these variances. All provisions of the condominium subdivision plan that are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision.
4. **Issuance of Zoning Permit:** Upon approval of the final site plan, bylaws and master deed, the applicant shall furnish the Zoning Administrator a copy of the final bylaws and master deed, and a copy of the approved site plan. Upon the satisfactory submittal of these documents, the Zoning Administrator shall issue a zoning permit.
5. **Changes:** Any changes to an approved site condominium including changes in the bylaws, master deed, or site plan, including changes in lot line or road configuration and the addition or relocation of buildings, shall require approval by the Township Board prior to such change.

**D. Building Permit:** No building shall be erected prior to the issuance of a zoning permit by the Zoning Administrator, and a building permit by the Building Inspector.

**E. Utilities:** A site condominium shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.

**F. Roads:** All roads within a site condominium shall be designed and constructed in conformance with the standards of the County Road Department unless otherwise approved for private road construction pursuant to this Ordinance.

**G. As-Built Plan and Occupancy:** Submission of as-built plans of a site condominium is required. The Township Board may allow occupancy of the project before all required improvements are installed provided that a financial performance guarantee is posted pursuant to Section 2.8.

**H. Monuments:** All site condominium units shall be marked with monuments as if such units were lots within a platted subdivision, and such monuments shall comply with the requirements of the P.A. 591 of 1996, the Land Division Act, as amended.

### **Section 20.15 Clear Vision Zone**

No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall be located so as to impede vision between the height of three (3) and ten (10) feet above road elevation on any corner lot, within the triangular area defined by the intersecting road right-of-way lines and an imaginary line connecting the two and located thirty (30) feet from the intersecting right-of-way lines. The same shall apply in the case of an intersection between a road right-of-way and an off-street parking access drive serving uses other than single and two-family dwellings, except the clear vision area shall be based on a twenty (20) foot measurement from the intersecting right-of-way lines.

### **Section 20.16 Outdoor Furnaces**

**A. Outdoor Furnace Defined:** For the purpose of this Section, "outdoor furnace" shall be defined as an accessory structure or appliance intended not to be located within a building occupied by humans or domestic animals, which is designed for heating spaces or liquids within such occupied building, including a swimming pool, through the burning of fuel.

**B. Approval Procedure:** Outdoor furnaces shall be subject to Zoning Administrator approval according to Section 2.4(B). The Zoning Administrator shall issue a zoning permit for such furnace upon finding that the application complies with the standards and regulations of this Section and Ordinance.

**C. Standards:** An outdoor furnace shall be installed and used only in accordance with the following provisions:

1. Construction
  - a. An outdoor furnace shall comply with all codes of the Township including required building, electrical and mechanical permits, and shall comply with all other regulations and requirements of county, state and federal agencies.
  - b. An outdoor furnace shall meet the manufacturer's specification for erection and operation and shall exceed such specifications where local codes, state or federal regulations require so including as may be required by standards of this Section and requirements of the United States Environmental Protection Agency.
2. Lot Area, Setbacks and Placement
  - a. An outdoor furnace shall be located on a lot of a minimum one (1) acre in area.
  - b. An outdoor furnace shall comply with the district's minimum front yard setback according to Table 3-4 of Article 3 and shall be set back a minimum of twenty (20) feet from side and rear lot lines, but in no case shall an outdoor furnace be located less than fifty (50) feet from an existing building intended to be occupied by persons or animals and not located on the same lot as the furnace.
3. Chimney Height: An outdoor furnace shall have a chimney that meets manufacturer's specifications for height but in no case shall the chimney be less than two (2) feet above the peak of all buildings on another lot that are intended to be occupied by persons or animals and are within one hundred (100) feet of the furnace.
4. Fuel: No outdoor furnace shall rely on any fuel except wood, wood pellets, agricultural seeds, and other materials prescribed by the manufacturer's specifications, provided such materials include no additives such as paints, varnishes, preservatives, resins, and glues; food wraps; packaging; animal carcasses or waste; paint or painted materials; furniture; composite shingles; construction or demolition debris or

other household or business wastes; asphalt and products containing asphalt; plywood, composite wood or pressure treated woods; any plastic material including but not limited to nylon, PVC, polystyrene or urethane foam, synthetic fabrics, plastic films and plastic containers; rubber including tires and synthetic rubber-like products; rubbish or garbage including but not limited to leaves, grass and food wastes; automobiles and other vehicles and parts thereof; toxic or explosive materials; electrical wiring; and other similar materials.

5. Public Health, Safety and Welfare: No outdoor furnace shall generate odors, fumes or smoke in such a manner so as to endanger the public health, safety or welfare.

## **Section 20.17 Waterfront Access, Frontage, and Common Use Waterfront Lots**

**A. Definitions:** For the purpose of this Section, the following phrases shall be defined as noted.

1. *Common Use Waterfront Lot*: Any land including a platted subdivision lot or condominium unit with water frontage on a waterbody that allows or is proposed to allow the common use thereof by non-owners of the common use waterfront lot, multiple owners of the common use lot, non-riparian land owners, the public, members of an association, occupants of a campground, or by more than the residents of one single family dwelling unit or, in the case of a two-family dwelling on such lot, by more than the residents of such two-family dwelling. The phrase "common use lot" shall apply irrespective of the land area's creation or recordation date, or the date when such common use was initiated or permitted to be initiated, including in the case of a deed, grant, reservation, easement, covenant, or other recorded instrument.
2. *Waterbody*: A year-round body of water comprised of a lake or pond of two (2) acres or more in area with a water depth at any location of 24" or more, rivers, streams, and other watercourses, whether a natural body of water or artificially made.

**B. General Provisions:** The following regulations shall apply to all land in all Districts that abut a waterbody regardless of whether access to the waterbody shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease, except where such land has been approved as a common use waterfront lot according to subsection (B).

1. There shall be at least seventy (70) feet of water frontage, measured by a straight line which intersects each side lot line along the ordinary high water mark of such frontage, for each dwelling unit, cottage, or condominium unit using or accessing such frontage.
2. A multiple-unit residential development, such as but not limited to a platted, condominium subdivision, or multiple family development, that includes water frontage, shall not permit the use or access to such frontage to more than one (1) dwelling unit, cottage, or condominium unit for each seventy (70) feet of such frontage, as measured by a straight line which intersects each side lot line along the ordinary high water mark of such frontage.
3. A multiple-unit residential development, such as but not limited to a platted, condominium subdivision, or multiple family development, that includes water frontage, shall have not more than one (1) dock for each seventy (70) feet of such frontage, as measured by a straight line which intersects each side lot line along the ordinary high water mark of such frontage.
4. No waterbody access shall be used for commercial, business, recreation, entertainment, institutional or nonresidential purposes except as may be authorized and regulated within the respective district. This restriction shall not apply to agriculture.
5. No easement, private park, common area, lot or access property with water frontage shall be used to permit access to a waterbody for more than one dwelling unit, cottage, condominium unit, or multiple-family dwelling unit, for each seventy (70) feet of such frontage, as measured by a straight line which intersects each side lot line along the ordinary high water mark of such frontage.

**C. Exception for Common Use Waterfront Lots.**

1. Authorization and Standards: A common use waterfront lot is subject to special land use approval according to Article 15. Such approval may permit modifications to the standards of subsection (B) upon a finding by the Township Board that the application complies with the site plan approval standards of Section 14.4, the special land use approval standards of Section 15.6, and the following additional standards:
  - a. The proposed use shall not unreasonably interfere with the rights of usage and enjoyment by owners of property abutting the waterbody.
  - b. The proposed use shall not unreasonably interfere with the enjoyment of owners of property in the general vicinity of the common use waterfront lot.
  - c. The proposed common use waterfront lot shall be of sufficient size to adequately accommodate all proposed uses of the lot.

- d. The proposed use shall not result in the overcrowding or overuse of the waterbody, and that the waterbody has surface area capacity available to handle increased traffic and activity without impairment to health, safety and welfare of the users of the lake.
- e. The proposed use shall not result in the environmental degradation of the waterbody.

### **Section 20.18 Agricultural Labor Housing**

**A. Definition of Agricultural Labor Housing:** For the purposes of this Section, “agricultural labor housing” shall be defined as temporary seasonal housing consisting of a mobile home or recreational vehicle to house seasonal bona fide farm employees doing agricultural work on the farm on which the housing is located.

**B. Approval Procedure:** Agricultural labor housing shall be subject to Township Board approval upon the submittal of an application available from the Zoning Administrator including a plot plan prepared according to Section 2.4(B) and delineating the proposed location of the agricultural labor housing on the lot including the number of housing units. The application shall be accompanied by a correspondence from the applicant presenting the basis and need for the agricultural labor housing. The Township Board shall approve the application upon finding that the application complies with the standards and regulations of this Section and Ordinance.

1. **Permit Expiration:** A zoning permit for agricultural labor housing shall expire no more than one (1) year after approval by the Township Board, as specified by the Township Board, and the housing shall be removed from the lot by such expiration date. A renewal request shall be filed by the applicant no less than thirty (30) days prior to the permit expiration date.

### **C. Standards.**

1. **District:** Agricultural labor housing shall be located in the A-1 District only.
2. **District Standards:** Agricultural labor housing shall comply with the requirements of the A-1 District for permanent dwellings including setback and building coverage standards, except that no such housing shall be established on a farm of less than forty (40) acres of tilled land, which may be contained in a single or contiguous farm parcels under same ownership.
3. **Impacts:** Agricultural labor housing shall be located so as not to impact the enjoyment and use of adjacent properties.
4. **Potable Water and Sewage Disposal:** Agricultural labor housing shall be provided with potable water and sewage disposal in compliance with County Health Department requirements.
5. **Basis and Need:** The applicant shall adequately demonstrate to the satisfaction of the Township Board that the farm operation requires agricultural labor housing.
6. **Termination:** A permit for agricultural labor housing shall terminate at such time as the occupants of such mobile homes and/or recreational vehicles do not satisfy this Section’s definition of agricultural labor housing.

### **Section 20.19 Shoreline Alterations**

**A. Definition:** For the purpose of this Section, “shoreline alteration” shall be defined as the changing, transforming or otherwise varying the shoreline or shoreline bank along a lake, pond, river or stream, including the erection of a retaining wall, the depositing of boulders, and similar modifications.

**B. Application and Approval:** Shoreline alteration is prohibited except where a zoning permit is issued by the Zoning Administrator upon the filing of an application that adequately presents the location and specifications of such shoreline alterations and evidence of all necessary approvals by county and state agencies. The Zoning Administrator shall be the approving body for applications in association with single and two-family dwellings. The Planning Commission shall be the approving body in all other circumstances.

**C. Standards:** An application for shoreline alterations shall be approved upon a finding that the application complies with the following.

1. **Demonstrated Need:** The applicant has submitted satisfactory evidence demonstrating the need for such shoreline alteration to stabilize erosion.
2. **Permits and Approvals:** The applicant has submitted satisfactory evidence demonstrating that all necessary permits and approvals have been obtained from the Michigan Department of Environment, Great Lakes and Energy and all other pertinent bodies including as required by Part 301-Inland Lakes and Streams of the Michigan Natural Resources and Environmental Protection Act.

**Section 20.20 Keeping of Animals as Accessory Residential Use**

**A. Definitions:** For the purpose of this Section, the following phrases shall have the following definitions:

1. "Large livestock" shall be defined as horses, ponies, cattle, swine, and livestock that can be reasonably expected to grow to a weight greater than three hundred (300) pounds at maturity.
2. "Medium livestock" shall be defined as sheep, goats, ostrich, and other livestock that can be reasonably expected to grow to a weight of between forty (40) and three hundred (300) pounds at maturity.
3. "Small livestock" shall be defined as rabbits, chickens, and other livestock that can be reasonably expected to grow to a weight of less than forty (40) pounds upon reaching maturity.
4. "Household pets" shall be defined to include dogs, cats, fish, birds, hamsters and other types of commonly domesticated animals maintained in a residence.
5. "Vicious animal" shall be defined as any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.
6. "Wild animal" shall be defined as any animal that is not considered widely and commonly domesticated by humans within the State of Michigan such as opossum, raccoon, bear, deer, moose, elk, wolf, coyote, elephants, tiger, and lion.

**B. Keeping of Wild and Vicious Animals:** No wild or vicious animal shall be kept permanently or temporarily in any District except in association with an approved zoological park accredited by the Association of Zoos and Aquariums or as may be expressly authorized by the Michigan Department of Natural Resources in compliance with applicable application and approval procedures and care, containment and other rules and regulations.

**C. Keeping of Household Pets:** The keeping of household pets as an accessory use in association with any residentially-used and occupied lot is permitted provided such activities do not constitute a kennel as defined in this Ordinance, unless approval for such kennel has been granted pursuant to this Ordinance. The keeping of household pets shall comply with the following:

1. Noise: Pets shall be managed so as to prohibit nuisance conditions associated with excessive noise including excessive dog barking.
2. Waste: The retention or storage of animal waste shall be managed so as not to create a nuisance due to odors, flies, fleas or other nuisance-generating conditions. The retention or storage of animal waste shall not occur within fifty (50) feet of a lot line.
3. Containment: Pets shall be contained within the dwelling or otherwise on the lot. Unrestricted or otherwise free-roaming pets are prohibited.

**D. Keeping of Livestock:** The keeping of livestock as an accessory use to the principal residential use of a lot shall be permitted in the A-R and R-1 Districts only and provided such keeping of livestock is in compliance with the regulations of this Section. This subsection (D) shall apply only to the keeping of livestock as accessory to the principal residential use of a lot, and shall not apply to agriculture.

1. Small Livestock:
  - a. The keeping of small livestock shall occur only on parcels of one (1) acre or greater but in no case shall such livestock be kept within a platted subdivision or site condominium.
  - b. At no time shall the density of such livestock exceed one (1) animal per five-thousand (5,000) sq. ft. comprising the lot.
  - c. A building housing small livestock shall be set back no less than fifty (50) feet from lot lines.
2. Medium Livestock:
  - a. The keeping of medium livestock shall occur only on parcels of two (2) acres or greater but in no case shall such livestock be kept within a platted subdivision or site condominium.
  - b. At no time shall the density of such livestock exceed one (1) animal per one-half acre comprising the lot.
  - c. A building housing medium livestock shall be set back no less than fifty (50) feet from a lot line.
3. Large Livestock:
  - a. The keeping of large livestock shall occur only on parcels of three (3) acres or greater but in no case shall such livestock be kept in a platted subdivision or site condominium unless approved as an equine community.
  - b. At no time shall the density of such livestock exceed one (1) animal for the first three (3) acres and one (1) additional animal per each additional one (1) acre comprising the lot.
  - c. A building housing large livestock shall be set back a minimum of fifty (50) feet from lot lines.

4. Regulations Applicable to All Livestock Maintained as a Residential Accessory Use:
  - a. Livestock shall be managed by the occupants of the premises, and maintained in a healthy condition.
  - b. Newly born horses, cows, donkeys, mules and other animals that exceed forty pounds (40 lbs.) in weight at birth may be maintained on said parcel for up to six (6) months irrespective of whether such maintenance would increase the permitted number of animals beyond the animal density limitations of this Section. Newly born animals that do not exceed forty pounds (40 lbs.) in weight at birth may be maintained on said parcel for no more than sixty (60) days if such maintenance would increase the permitted number of animals beyond the animal density limitations of this Section.
  - c. All livestock shall be completely enclosed by measures of adequate design and construction to contain the livestock.
  - d. The retention or storage of animal waste shall be managed so as not to create a nuisance, and in no case shall the storage of animal waste occur within fifty (50) feet of a lot line.
  - e. The facility shall be constructed and maintained so that dust and drainage from animal containment areas shall not create a nuisance or hazard to nearby property or uses.
  - f. No living quarters shall be located in an animal containment area except in conformance with Section 20.6.

*(Balance of Page Blank)*

**End of Article 20**



## Article 21 DEFINITIONS

### **Section 21.1 Construction of Language**

For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

- A.** Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B.** The word "person" includes a corporation, association, partnership, trust, firm, or similar entity as well as an individual.
- C.** The word "building" includes the word "structure" and both include any part thereof.
- D.** The word "lot" includes the word "plot", "tract", or "parcel".
- E.** The term "shall" is always mandatory and not discretionary. The term "may" is permissive.
- F.** The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended to be used or occupied," "arranged to be used or occupied," "maintained to be used or occupied," or "designed to be used or occupied."
- G.** The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached, and as enacted or subsequently amended.
- H.** 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," "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 the connected items, conditions, provisions or events may apply singly or in any combination.
  - 3. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- I.** The "Township" is the Township of Convis in the County of Calhoun, State of Michigan. The "Township Board", "Zoning Board of Appeals" and "Planning Commission" are, respectively, the Board of Trustees, Zoning Board of Appeals, and Planning Commission of the Township.
- J.** Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
- K.** Where a specific agency, department, law, or rule is referred to in this Ordinance, such reference shall include any successor agency, department, law or rule.

### **Section 21.2 Definitions**

**Abutting:** The sharing of a lot line, or portion thereof, between the subject lot and another lot, easement or other feature.

**Adjacent:** To abut.

**Accessory Building or Structure:** A building or structure customarily incidental and subordinate to the principal building located on the same lot, except where this Ordinance expressly permits such customary accessory building or structure on a lot that does not include the customary accompanying principal building. An accessory building is not part of or attached to the principal building. A building shall be considered an accessory building where such building is not structurally attached to the principal building on the same lot by either shared wall construction or by a fully and structurally enclosed corridor or similar architectural feature. For example purposes, a garage that is structurally part of a dwelling is not an accessory building.

**Accessory Use:** A use customarily incidental and subordinate to the principal use of the same lot.

**Adult Foster Care Facility:** An establishment licensed under Public Act 218 of 1979, as amended, that provides to adults, for compensation, supervision, personal care, and protection in addition to room and board, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks, including facilities for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. A foster care facility does not include a home for the aged licensed under Article 17 of Public Act 368 of 1978, as amended, a nursing home licensed under Public Act 139 of 1956, as amended, or adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

- a. **Family Home:** An adult foster care facility consisting of a private residence with the approved capacity to

receive six (6) or fewer adults, the licensee for which shall be a member of the household and an occupant of the residence.

- b. **Group Home:** An adult foster care facility with the approved capacity to receive seven (7) but no more than twenty (20) adults.

**Agricultural Service Establishments:** Establishments which engage in performing agricultural, animal husbandry or horticultural services on a fee or contractual basis, such as the storage and sale of seed, feed, fertilizer and other products essential to agricultural production; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; veterinary services; slaughter houses; facilities used in the research and testing of farm products and techniques; and the centralized bulk collection, refinement, storage and distribution of farm products to wholesale and retail markets including grain cleaning and shelling, sorting, grading, and packing of fruits and vegetables for the grower, and agricultural produce milling and processing.

**Agriculture:** The cultivating or use of land, including associated plants, animals, buildings, machinery, and equipment, for the commercial production of farm products. "Agriculture" may be referred to as a "farm." "Agriculture" shall not be interpreted to include kennels, equestrian centers and similar activities that do not comprise the commercial production of farm products.

**Agritourism:** The use of land in association with and on the same lot as agriculture, which links on-site agricultural production or processing with tourism for the purposes of entertaining or educating visitors or otherwise providing a pastoral venue for special events. Examples of agritourism include pumpkin picking patches, corn mazes, farm animal petting and feeding, hay rides, farm tours, cooking classes that rely principally on food items harvested on-site, the serving of meals that rely principally on food items harvested on-site, and the conducting of special events such as weddings and other celebrations. A "farm market" shall not be construed as agritourism.

**Airport:** A facility for the landing, takeoff, shelter, supply, and repair of aircraft, licensed by the Michigan Department of Transportation, Bureau of Aeronautics and available to serve the general public.

**Alter/Alteration:** Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; or any change which may be referred to herein as altered or reconstructed.

**Arcade:** Any business within which are located ten (10) or more amusement devices. For purposes of this definition, "amusement devices" shall mean any device, machine or apparatus operated by a patron which plays, exhibits, emits, produces or displays, entertainment or amusement in the form of a game, motion picture, music, performances or similar entertainment. The term does not include vending machines used to dispense items, kiddy rides, jukeboxes, bowling alleys, or pool tables, or establishments otherwise defined as sexually oriented businesses.

**Assisted Living Facilities:** Any facility licensed by the State of Michigan that provides residential services to adults in addition to any other services essential for sustaining the activities of daily living, and not otherwise constituting an adult foster care facility or nursing home as defined in this Ordinance. Such additional services may include, but need not be limited to, the provision of meals including congregate meals, transportation services, entertainment, nursing care, and day trips.

**Banquet Hall:** A facility that is used by individuals or groups, for a rental fee or other form of remuneration, to accommodate private functions such as meetings, banquets, weddings, gatherings associated with anniversaries, birthday parties, and reunions, and other similar gatherings and celebrations. A banquet hall may include kitchen facilities for the preparation or catering of food and may include the serving of alcoholic beverages for on-premises consumption during scheduled events only, and shall not be open to the general public.

**Basement:** See "Story-Related Definitions."

**Bed and Breakfast:** A structure erected for the purpose of renting bedrooms on a nightly basis, including the provision of bathing and lavatory facilities and a breakfast meal for overnight guests only, and occupied by the owner, and which reflects a residential architectural theme to such an extent that the structure appears as a single family dwelling when viewed from adjacent roads and lots. A bed and breakfast may also be commonly referred to as a "tourist home."

**Bedroom:** A room in a dwelling unit for or intended to be used for sleeping purposes by human beings.

**Berm:** A mound of earth graded and shaped in such a fashion as to be used for visual and/or audible screening purposes, or for a visual landscape feature.

**Building:** Any structure having a roof supported by columns, walls, or any other supports, which is used for housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business or other activities. This definition includes but is not limited to dwellings, garages, and greenhouses. A building may be divided into two (2) or more separate areas for use by separate tenants, and similar arrangements.

**Building Code:** Codes adopted by the Township pursuant to the Michigan Construction Code and fully independent of the Zoning Ordinance, that establish minimum standards for construction such as, but not

limited to, standards pertaining to foundations, footings, framing, roof loads, plumbing systems, electrical systems and fire protection.

**Building Coverage:** The amount of a lot, stated in terms of a percentage of the lot area, which is covered by all buildings located thereon and measured from the buildings' exterior wall faces. Where a roof extends more than three feet (3') from the building wall, the building's coverage shall be measured from the outer limits of the roof.

**Building Height:** The vertical distance measured from the average finished ground surface elevation along the front of the building where it abuts the front yard to the highest point of the roof surface, except to the deck line of mansard roof, and the average height between eaves and the ridge of gable, hip, and gambrel roofs.

**Building Inspector:** An individual or entity retained by the Township to administer the Michigan Construction Code.

**Building Permit:** Written authority by the building inspector confirming that proposed construction is in compliance with the Michigan Construction Code.

**Campground:** A facility where sites are offered for use by the public, either free of charge or for a fee, for the establishment of temporary living quarters. "Temporary living quarters" means a tent, recreational vehicle, or any portable temporary housing designed to be carried or towed by a vehicle. "Campground" shall not be construed to include any facility or portion of a facility where such temporary housing sites are purchased by users or not owned by the facility owner, including but not necessarily limited to condominium ownership.

**Cemetery:** Property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

**Certificate of Occupancy:** A document issued by the building inspector certifying that the described property and/or construction on such property complies with the provisions of the Building Code and may be legally occupied.

**Child Day Care Center:** A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Day care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility may be commonly referred to as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child day care center" does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization or a facility operated by a religious organization where children are cared for comparatively short periods of time while persons responsible for the children are attending religious services.

**Child Day Care Home:** A private home in which the operator permanently resides as a member of the household in which minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Child day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

- a. Family Home: A child day care home with the approved capacity to receive one (1) but less than seven (7) minor children.
- b. Group Home: A child day care home with the approved capacity to receive more than six (6) but not more than twelve (12) minor children.

**Child Foster Care Home:** A private home in which minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, 1939 Public Act 288, 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, legal guardian, or legal custodian.

- a. Family Home: A child foster care home with the approved capacity to receive one (1) but not more than four (4) minor children.
- b. Group Home: A child foster care home with the approved capacity to receive more than four (4) but fewer than seven (7) minor children.

**Church:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. "Church" shall not be construed to mean an undertaker's chapel or funeral home.

**Club:** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit nor open to the general public, and does not provide merchandise, vending, or services customarily offered on a commercial basis except incidentally for the membership and purpose of such club.

**Commercial Recreation:** An establishment whose main purpose is to provide the general public with an

amusing or entertaining activity and where tickets are sold or fees are collected for the activity, such as skating rinks, water parks, miniature golf, arcades, bowling alleys, cart and motorcycle tracks, batting cages, and billiard halls, but not sexually oriented businesses or outdoor shooting ranges.

**Composting Facility:** A facility for the collection and processing of organic materials recovered from solid waste delivered to the facility, through a process of controlled biological decomposition, in order to produce a compost product or soil amendment for pick-up by or delivery to off-site users. A composting facility may include the temporary storage and on-site sales of composted material. A composting facility, as defined herein, does not include storage containers or processing activities located on the premises of an agricultural, residential, commercial, or manufacturing use and used solely for the composting of material generated by that agricultural or residential property, business, or manufacturer, or the land application of organic material that is worked into the soil.

**Conditional Use:** See "Special Land Use."

**Condominium:** A project consisting of two (2) or more condominium units established and approved in conformance with the Condominium Act (Public Act 59 of 1978, as amended).

**Condominium Master Deed:** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project.

**Condominium, Site:** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision, wherein in the condominium units function largely as lots within a platted subdivision.

**Condominium Subdivision Plan:** The drawings attached to the master deed for a condominium project which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium project, as well as the nature, location and size of common elements. A site condominium may not necessarily have vertical or volumetric limits.

**Condominium Unit:** That portion of a condominium designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land as in the case of a site condominium, or space which either encloses or is enclosed by a building. A condominium unit in a site condominium shall be equivalent to the term "lot" for the purposes of determining compliance of the site condominium with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, setbacks, maximum building coverage, and similar standards pertaining to lots.

**Contractor's Yard:** A site on which a construction contractor stores equipment, tools, vehicles, building materials, and/or other appurtenances used in or associated with building or construction. A contractor's yard may include outdoor and indoor storage and accessory office space.

**Conference Center:** A facility used by service organizations, professional organizations, businesses, and similar entities, for gatherings for educational purposes or to discuss or deliberate specific subject matter, and where such gatherings are subject to a pre-established agenda or program of activities, and is not designed to be utilized principally by the general public for overnight lodging though accommodations may include sleeping, eating and recreation.

**Convalescent Home:** A facility that houses persons for the principal purpose of receiving a wide range of health care services including the provision of meals and nursing care, and may be commonly referred to as a nursing home.

**District:** See Section 3.1.

**Drive-In / Drive-Through Establishment:** A business establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles. A vehicle wash facility shall not be construed as a drive-in/drive-through establishment.

**Driveway:** A means of access for vehicles from a public road or approved private road or alley, across a lot, to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any requirements of the County Road Department, and which is intended to principally serve the occupants of the lot. A driveway shall not be construed as a public or private road as defined in this Ordinance.

**Dwelling, Multiple Family:** A building containing three (3) or more dwelling units for three or more families living independently of each other, but excluding a motel or hotel.

**Dwelling, Single-Family:** A detached building or portion thereof designed and used exclusively by one family for living, cooking and sleeping purposes.

**Dwelling, Two-Family (Duplex):** A building containing two (2) separate dwelling units.

**Dwelling Unit:** One or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking, sleeping and ingress/egress purposes. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit and shall comply with the provisions of this Ordinance pertaining to dwellings. A recreational

vehicle shall not be construed as a dwelling unit except as may be authorized pursuant to Section 20.7.

**Easement:** A legally recorded grant of one or more of the property rights of a property owner to the public or another person or entity.

**Equestrian Center:** A facility designed for the conducting of horse shows, training exhibitions, horse auctions, or any other horse-based activity typically characterized by the gathering of spectators or observers.

**Erected:** Anything built, constructed, reconstructed, moved upon, or any physical operations upon a lot required for such activities. Excavations, fill, grading, drainage, and the like, shall be considered a part of "erection."

**Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including communication or other towers, buildings, substations, the storage of or shelters for service equipment, maintenance depots, and similar above ground facilities.

**Excavation:** Any breaking of ground, except common household gardening, agriculture and ground care.

**Extraction Operation:** The removal of earthen material such as top soil, sand, gravel, and stone, for the purpose of sale or use or disposition on another parcel, including crushing, sorting, washing, and other activities directly relating to the extraction operation. Extraction operations shall not be construed to include excavation activities that are necessitated by and part of the construction of a building, parking lot, or other construction project on the same lot and for which all necessary permits have been issued.

**Family:**

- a. An individual or group of two (2) or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; or
- b. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. This definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.

**Farm:** See definition of "agriculture."

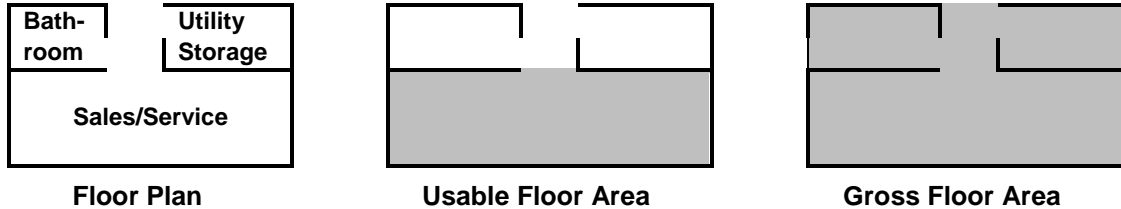
**Farm Product:** Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine,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

**Fence/Wall:** A feature typically constructed of wood, plastic, brick, stone, concrete, metal, iron, canvas or other fabric-like material hung or attached to a frame, or simulated materials to appear the same, and comparatively narrow in width, to serve as an obscuring screen, physical barrier, boundary demarcation and/or decorative landscape element. A feature that meets this definition that does not exceed two (2) in height above the ground elevation below shall not be construed as a fence or wall. A feature that meets this definition but is used principally for holding back earth or water, commonly referred to as a retaining wall, shall not be construed as a fence or wall.

**Filling:** The depositing or dumping of any matter into or onto the ground.

**Floor Area, Gross:** Unless provided for elsewhere in this Ordinance, the sum of all horizontal areas of all floors of a building or buildings, measured from the exterior faces of exterior walls. See figures below.

**Floor Area, Usable:** Unless provided for elsewhere in this Ordinance, and for the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from the computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls and includes the sum of the usable floor area for all floors unless expressly specified otherwise. In the case of a half-story, the useable floor area shall be considered to be only that portion having a ceiling height of five (5') feet or more. See figures below.



**Frontage:** The total continuous length of the front lot line. The term frontage may also apply to the portion of a waterfront lot that is adjacent to the water, as may be expressly provided by a specific regulation. See definition for "lot lines."

**Garage:** An accessory building or an accessory portion of a principal building designed or used primarily for the parking and/or storage of motor vehicles, boats, motor homes, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory.

**Grading:** The act of contouring the ground surface including the addition (filling) and/or removal (cutting) of earthen material, so as to modify the surface elevation, commonly for the purpose of construction, storm water management and/or creating landscape features.

**Half-Story:** See "Story-Related Definitions."

**Home Occupation:** See Section 20.10.

**Hospital:** A human care institution that is licensed by the State of Michigan to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include support facilities such as laboratories, testing services, staff offices, pharmaceutical services, and other support facilities and services.

**Hotel/Motel:** A building or group of buildings, whether detached or in connecting units, that is comprised of two (2) or more individual sleeping or dwelling units designed and used primarily for transient automobile travelers. The term "hotel" shall include buildings designated as motels, auto courts, tourist cabins and courts, motor courts, motor hotel, and similar lodging arrangements which are designed as integrated units of individual rooms under common ownership. A hotel shall not be construed as a multiple family dwelling. A hotel may include support services, including recreation facilities, where approved for such. A hotel may include kitchen facilities in the individual units where approved for such.

**Hunt Club:** An outdoor or indoor facility designed for and devoted to the shooting of firearms or archery equipment at anything other than inanimate objects, including what are commonly referred to as hunting preserves.

**Junk Yard:** Any outdoor area or building of which more than fifty (50) sq. ft. is used for: 1) the abandonment, storage, keeping, collecting, selling, exchanging or baling of scrapped, worn out, abandoned or discarded materials, which may include but need not be limited to paper, rags, glass, cans, bottles, appliances and construction materials; or 2) the abandonment, demolition, dismantling, storage, keeping, collecting, selling, exchanging or salvaging of machinery, automobiles or other vehicles not in normal running condition, or parts thereof. A junkyard may also be referred to as a salvage yard and/or wrecking yard.

**Kennel:** A kennel is defined to include (a) or (b) below:

- a. A lot or premises on which four (4) or more dogs, or four (4) or more cats, or four (4) or more similar animals, three (3) months of age or older, are kept for compensation, either permanently or temporarily, for the purposes of breeding, boarding, housing, leasing, sale, or transfer.
- b. A lot or premises on which four (4) or more dogs, or four (4) or more cats, or four (4) or more livestock, three (3) months of age or older, are typically maintained for two (2) or more consecutive weeks for the purpose of rehabilitation or the provision of an environment in which to spend their final years before death, and may be commonly referred to as an "animal rescue," "dog rescue," and/or "horse rescue" facility.

**Landscape Services:** A lot used for office purposes along with the storage of supplies and equipment, in association with the provision of landscape services to off-site locations. Landscape services may include lawn mowing and maintenance, snow removal, landscape design and installation, and the sale and delivery of landscape materials such as mulch, plants, fertilizer, gravel, soil, pavers, and similar landscape supplies.

**Livestock:** Cattle, horses, sheep, goats, swine, poultry, and other similar domestic animals or fowl normally kept or raised on a farm.

**Lot:** A tract of land occupied, or intended to be occupied, by one or more buildings or uses, together with such yards and open spaces as are required under the provisions of this Ordinance, and which is described as a platted lot or portion thereof, or a tract of land described by metes and bounds. A lot may or may not be specifically designated as such on public records. Within a site condominium, a condominium unit shall be synonymous with a lot for the purposes of compliance with this Ordinance.

**Lot Area:** The area of the horizontal plane within the lot lines of a lot, exclusive of any public road right-of-way or private road easement.

**Lot, Corner:** Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved road(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet. (see "Lot Types" figure at end of this Article).

**Lot Depth:** The distance from the front lot line of the lot to its opposite rear line, measured midway between the side lot lines.

**Lot, Interior:** A lot with only one (1) lot line along a road and not comprising a corner lot.

**Lot Lines:** The lines bounding a lot (see "Lot Lines and Yards" figure at end of this Article).

a. Lot Line, Front:

1. In the case of an interior lot, the front lot line shall be the line separating said lot from the road right-of-way or easement from which it gains access, including a waterfront lot.
2. In the case of a corner lot, the front lot line shall be the shorter of the two (2) lines separating said lot from the adjacent road right-of-ways or easements unless designated otherwise on a recorded plat.
3. In the case of a through lot, the front lot line shall be the line as designated on the plot plan or site plan, subject to approval of such plan.
4. In the case of a flag lot, the front lot line shall be the lot line most parallel to and nearest the road from which access is obtained. The front lot line shall not be construed to be the lot line adjacent to the road right-of-way.

b. Lot Line, Rear: The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot, an imaginary line at least ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

c. Lot Line, Side: Any lot line other than a front or rear lot line (see Figure 21-3 at end of Article). A side lot line separating a lot from another lot or lots is an "interior side lot line".

**Lot, Through:** A lot having frontage on two (2) roads other than a corner lot (see "Lot Types" figure at end of this Article).

**Lot, Waterfront:** A lot adjacent to a lake, river or stream, provided such feature holds water throughout a typical calendar year.

**Lot Width:** The straight line horizontal distance between the side lot lines, measured at the road right-of-way/easement from which the lot gains access, unless regulated elsewhere by this Ordinance.

**Manufactured Home/Housing:** A dwelling unit which is designed for long term residential use and is wholly or substantially constructed at an off-site location and transported to a lot for placement and final construction stage including connection to utilities. Manufactured housing includes mobile homes and modular housing units.

**Manufactured Housing Community:** A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a mobile home.

**Master Deed:** The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

**Master Plan:** The officially adopted policies of the Township addressing community growth, development, land use, and preservation, prepared pursuant to Public Act 33 of 2008, as amended, the Planning Enabling Act, and consisting of maps, charts and written material.

**Medical Clinic:** An establishment where human patients, not lodged overnight, are admitted for examination and treatment by two (2) or more physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but shall not include facilities for overnight patient care or major surgery.

**Mini Storage:** A building or group of buildings that contain individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares, and access to such stalls or lockers is not typically necessary on a daily basis.

**Mobile Home:** A structure intended to function as a dwelling unit, transportable in one or more sections, which is built on a chassis and may be constructed with or without a permanent foundation. A mobile home is generally considered temporary or transportable. The term "mobile home" shall not include pick-up campers, travel trailers, motor homes, modular homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

**Modular Home:** A structure intended to function as a dwelling unit and comprised principally of one (1) or more components substantially assembled in a manufacturing facility and transported to the site on which it is to be located, for final assembly on a permanent foundation. A modular home is not considered temporary or transportable upon final assembly.

**Nonconforming Building or Structure:** A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement, setbacks or similar features for the District in which it is located.

**Nonconforming Lot:** A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area, width and/or other dimensional requirements of the District in which it is located.

**Nonconforming Use:** A use of a building or structure, or of a land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the District in which it is located.

**Open Space Preservation Community (OSPC):** A means of developing land residentially, such as in the case of a platted subdivision or site condominium, under more flexible standards available to OSPCs according to this Ordinance and Section 506 of the Michigan Zoning Enabling Act, that more effectively encourages the preservation of the Township's natural resources, sensitive environmental areas, and rural character. This heightened preservation goal is achieved by, in part, the grouping or clustering of new homes on smaller lots than typically required by the District within which the OSPC is proposed to be located so that the remainder of the site can be preserved as open space.

**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 of the soil, and the vegetation.

**Owner:** The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, leasee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her authorized representative.

**Parking Space:** An area of definite length and width as designated in this Ordinance for parking an automobile or other vehicle, and which is fully accessible for such purposes.

**Plat:** A map of a subdivision of land recorded with the Register of Deeds pursuant to the Land Division Act of 1996, as amended, or a prior statute.

**Planned Unit Development:** A development project authorized by the Planned Unit Development District according to Article 4 of this Ordinance, which exhibits use or design features that are not normally permitted by this Ordinance in other districts, to facilitate beneficial flexibility in the use and development of land.

**Plot Plan:** A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan generally contains less comprehensive and detailed information about improvements proposed on the site than does a site plan, and is required for such uses as single family dwellings and two family dwellings. Plot plan approval is generally delegated to the Zoning Administrator.



**Porch:** A raised platform at an entrance level to a building, typically adjacent to a building's entrance.

**Porch, Enclosed:** A roofed porch, or an unroofed porch that has more than ten (10) percent of its exterior perimeter exceeding forty-two (42) inches in height above the platform surface below, including railings, screening, columns, or other features. An enclosed porch may or may not have a roof.

**Porch, Unenclosed:** An unroofed porch that is open on all vertical sides except the side along the building to which it is attached or adjacent, and no more than ten (10) percent of the exterior perimeter of the porch exceeds forty-two (42) inches in height above the platform surface below, including railings, screening, and columns or other features.

**Principal Building:** The main building on a lot in which the principal use exists or is served by.

**Principal Use:** The main use to which the premises are devoted and the main purpose for which the premises exist.

**Private Landing Strip:** A cleared and level area used by the owner or lessee of the premises for the operation and maintenance of personal aircraft only, and recognized by a state authorized body.

**Private:** Referring to a use of land or a service that is not under the ownership and management of a city, village, township, county, state, or public school board, including commissions or other arms of such entities.

**Public:** Referring to a use of land or a service that is under the ownership and management of a city, village, township, county, state, or public school board, including commissions or other arms of such entities.

**Public Facility:** Land and associated structures and buildings used to carry out a governmental function(s) or provide a governmental service(s), such as a use or service operated by a city, village, township, county, or state, or public school board, and including commissions or other arms of such entities. Examples of public facilities include municipal parks, cemeteries, museums, police and fire protection facilities, courts of justice, and offices.

**Public Utility:** Any person, firm, corporation, municipal department, board or commission, duly authorized to furnish and furnishing to the public under federal, state, or municipal regulations, water, gas, steam, electricity, sewage disposal, and communication, but excluding wireless communication facilities.

**Recreational Vehicle:** A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or living quarters mounted on or drawn by another vehicle. A recreational vehicle may be commonly referred to as travel trailer, camper trailer, pop-up, motor home, fifth wheel, or pickup camper.

**Recycling Center:** A facility where material is separated and processed prior to shipment for use in the manufacturing of new products. A recycling center is distinct from a junkyard. A facility that functions as an accessory use that enables the general public to drop off products such as bottles, cans, plastics, and newspapers, without the payment of a fee of any kind and which is commonly referred to as a "transfer station," for subsequent transport to another off-site facility, shall not be construed as a "recycling center."

**Restaurant:** A facility in which food or beverages are prepared and offered for sale for consumption on the same premises or for delivery to another location or for pick-up from another location. A banquet hall and catering service shall not be construed as a restaurant. A restaurant may be one (1) or a combination of:

Standard Restaurant: A restaurant whose principal method of operation includes one or more of the following characteristics:

- a. customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed, within a building.
- b. a cafeteria-type operation where food and beverage are consumed within a building.

Delivery Service Restaurant: A restaurant that includes as part of its operations the delivery of food service to the customer at another location.

Take-Out Restaurant: A restaurant that includes as part of its operations the serving of customers from a counter for consumption by the customer off-site.

Drive-Through Restaurant: A restaurant that includes as part of its operations the serving of customers in motor vehicles from a window.

Drive-In Restaurant: A restaurant that includes as part of its operations the serving of customers by a delivery service from the restaurant building to the customer in the customer's vehicle other than by a window, for consumption in the vehicle on the restaurant property.

Food Truck Restaurant: A restaurant comprised principally or in part, of a vehicle designed for the purpose of preparing and selling food and having its own motor power or an enclosed space mounted on or drawn by another vehicle. A food truck shall be construed to be a structure in regard to compliance with minimum lot area, lot width, setbacks and other site development standards of this Ordinance.

**Restoration:** The reconstruction or replication of an existing building's original architectural features.

**Retreat Center:** A facility used for professional, educational, or religious conclaves, meetings, conferences, or seminars and which may provide meals, housing and recreation for participants during the period of the

retreat or program only, and provided all kitchen facilities are limited to a single centrally located building and not within individual sleeping quarters. This term shall not apply to facilities utilized by the general public for meals or overnight accommodations.

**Right-of-Way:** A public or private road, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. A right-of-way is delineated by legally established lines or boundaries.

**Right-of-Way Line:** The legal line of demarcation between a right-of-way and abutting land.

**Road:** A thoroughfare that affords the principal means of access to abutting property. The term "road" also includes the term "street."

**Road, Private:** A private way or means of vehicular access that is not dedicated for general public use, is owned by persons, an association, or other legal entity, and the maintenance for which is the responsibility of the owners.

**Road, Public:** Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the County Road Department.

**Sanitary Landfill:** A method of disposing of refuse on or in land, approved, operated and maintained in accordance with the rules and regulations of Part 115 of Public Act 451 of 1994, as amended, and other rules and regulations as may apply.

**Sawmill:** A facility of a permanent nature where harvested trees are cut, split, shaved, stripped, chipped or otherwise processed to produce wood products including the processing of harvested trees that may be transported to the sawmill facility, but excluding a temporary sawmill and the harvesting of trees for use on the same lot by the owner or resident of that lot.

**School:** A public or private education facility offering education at the elementary, junior and/or senior high level in the branches of learning and study required to be taught in the public education system of the state, and licensed by the state as may be required.

**Setback:** The minimum distance a specified building, structure, or use is or must be separated from a lot line or other specified feature. In the case of a required building front, side or rear yard setback, the setback shall be measured perpendicularly from the nearest foundation wall or other nearest feature of the building to the respective lot line, unless provided for elsewhere in this Ordinance.

**Sexually Oriented Business:** Refer to Section 13.18 for definitions pertaining to sexually oriented businesses.

**Shooting Range:** An outdoor or indoor facility designed for and devoted to the shooting of firearms or archery equipment, including what are commonly referred to as a gun club, sportsman club, rifle range, pistol range, trap/skeet range, sporting clay range, and archery range. A shooting range shall not be construed to include a "hunt club" as defined in this Ordinance.

**Sign:** See Article 8 for sign definitions.

**Site Plan:** A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A site plan contains more comprehensive and detailed information about improvements proposed on the site than does a plot plan because of the more complex nature of land uses required to receive site plan approval, such as business, industrial, and multiple family developments. See Article 14.

**Solar Energy System (SES):** See Section 13.24.

**Special Land Use (Conditional Use):** Uses and structures which are generally accepted as reasonably compatible with the primary uses and structures permitted in a District, but could present potential injurious effects upon the primary uses and structures within the District or are otherwise unique in character, and therefore require special consideration in relation to the welfare of adjacent properties and to the Township as a whole. All such uses are subject to a public hearing. See Article 15. The phrase "special land use" generally corresponds to the phrase "conditional use" used in the prior zoning ordinance adopted on May 25, 1971.

**Stop Work Order:** An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

**Story-Related Definitions:**

- a. **Basement:** That portion of a building that has a ceiling height less than five (5) feet above the adjacent exterior ground elevations, along more than seventy percent (70%) of the length of walls enclosing such portion of the building. A basement shall not be construed as a story.
- b. **Half Story:** The uppermost area located under a pitched roof and the uppermost full story, the usable floor area of which does not exceed one-half (1/2) of the floor area of the uppermost full story, is a minimum of two hundred (200) sq. ft. in area, has a minimum ceiling height of seven (7) feet six (6) inches at some point, and has an exterior wall height from the half-story floor surface to the pitched roof surface of no greater than three (3) feet.

- c. **Story:** That portion of a building included between the upper surface of any floor and the upper surface of the floor above it or, or ceiling above it if there is no floor above. A basement shall not be construed as a story.

**Street:** See "Road."

**Structure:** Anything constructed or erected, the use of which requires its location on the ground or its attachment to something having a location on the ground. Except where otherwise provided in this Ordinance, a structure shall not be construed to include berms, paved surfaces such as sidewalks, driveways and roads, and anything lawfully in a public right-of-way such as utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as "essential services."

**Swimming Pool:** A basin or water containment device for swimming and aquatic recreation, except that basins or water containment devices that hold water to a design depth of no greater than twenty-four (24) inches shall not be considered a swimming pool.

**Tavern:** An establishment that serves alcoholic beverages for principal consumption on the premises.

**Township Engineer:** The licensed staff engineer of the Township or a licensed engineer the Township may hire from time to time as needed.

**Truck Terminal:** A building or area in which freight brought by truck is assembled or stored for further routing or reshipment, or in which trailers are parked or stored during the interim between hauling runs, and may include accessory repair and maintenance services and other support facilities and services such as restroom and shower facilities.

**Use:** The purpose for which land or a building is arranged, designed or intended, or for which land or a building may be occupied.

**Variance:** A modification of the literal provisions of the Zoning Ordinance where such modification is not contrary to the public interest and will mitigate an otherwise unique practical difficulty, and the issuance of which is based upon standards of this Ordinance. See Article 16.

**Vehicle/Car Wash:** A building or portion thereof, designed and used for the commercial washing of one (1) or more vehicles at a time, irrespective of whether the washing process is automated or performed manually.

**Veterinary Clinic:** An establishment which is licensed by the Michigan Department of Licensing and Regulatory Affairs to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A veterinary clinic may include fully enclosed pens or cages for the overnight boarding of animals receiving medical treatment and such related facilities as laboratories and offices.

**Vehicle Repair Shop:** Buildings and premises for the purpose of engine rebuilding; repair, rebuilding or reconditioning of motor vehicles; and vehicle collision service such as body, frame and fender repair and painting.

**Vehicle Service Station:** A place used primarily for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles, and where minor automobile repairs may occur such as engine tune-ups and servicing of brakes, air conditioning, and exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight. A vehicle service station may also include floor area devoted to the sale of convenience items such as beverages, food products, and magazines, and similar convenience items, where such retail sales are authorized in the respective district.

**Wall:** See definition of "Fence."

**Wireless Communication Facilities:** See Sec. 13.25.

**Yard:** A space on the same lot as the structure, building or use in question, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as further defined herein (see *“Lot Lines and Yards” figure at end of this Article*):

- a. **Front Yard:** The space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line, typically being the road right-of-way line, and the nearest point of the principal building or other feature as may be specified. See definition for “lot lines”. A corner lot shall be construed to have two (2) front yards.
- b. **Rear Yard:** The space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building or other feature as may be specified. In the case of corner lots, there shall only be one (1) rear yard which shall be determined by the owner at the time of plot plan approval. See definition for “lot lines” as applied to corner lots and through lots.
- c. **Side Yard:** The space between the principal building or use and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the principal building or other feature as may be specified.

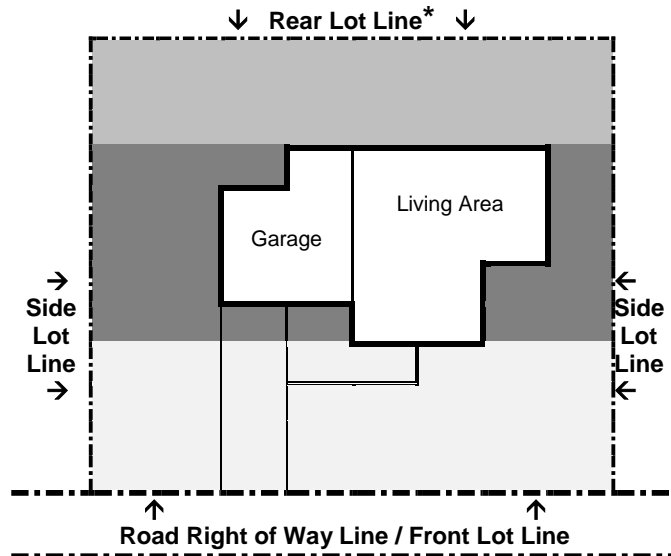
**Zoning Administrator:** The authorized individual charged with the responsibility of administering this Ordinance and appointed by the Township Board of Trustees.

**Zoning District:** See Section 3.1

**Zoning Permit:** A permit signifying compliance with the provisions of this Ordinance and issued by the Zoning Administrator upon approval of the proposed land use or development plan by the designated approving body.

## LOT LINES and YARDS

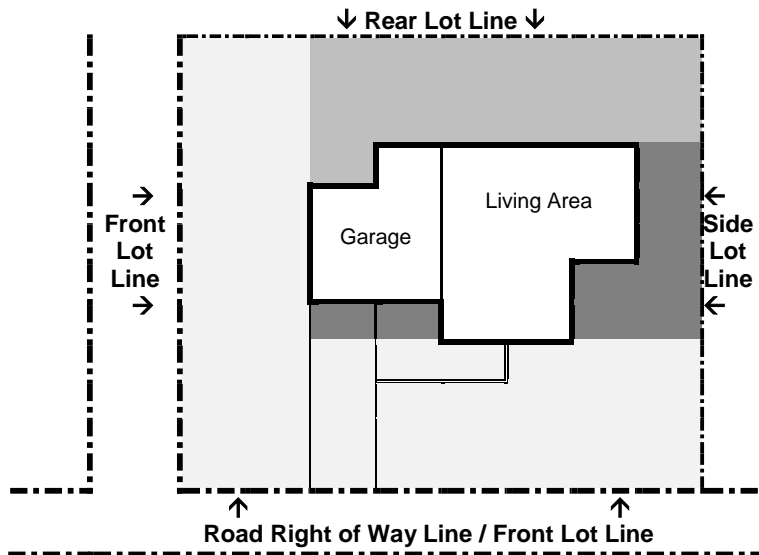
### INTERIOR LOT



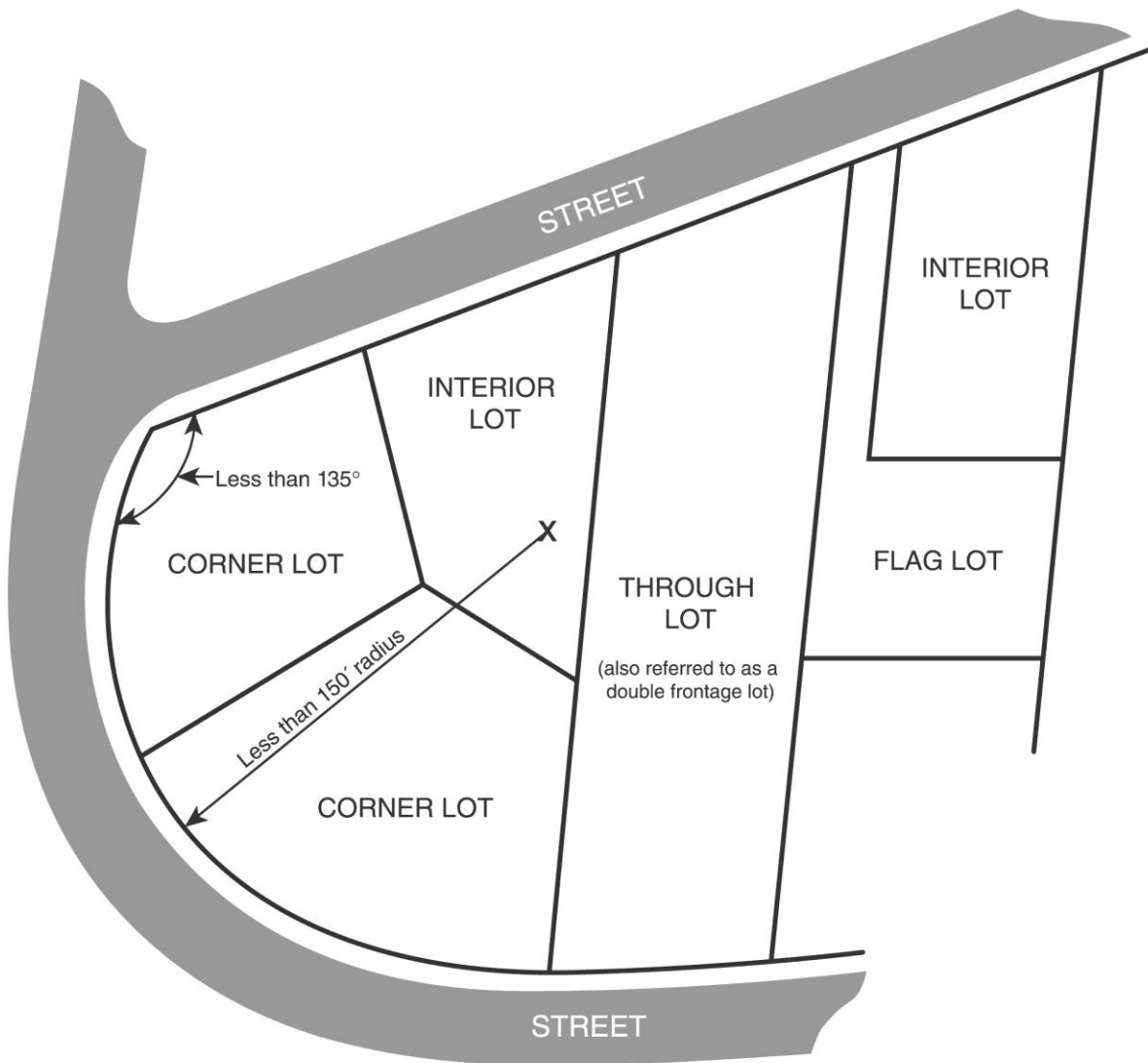
*\*In the case of a waterfront lot, the rear lot line is the ordinary high water mark.*

Front Yard
Side Yard
Rear Yard

### CORNER LOT



## LOT TYPES



**End of Article 21**

**Article 22**  
**INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL,**  
**and EFFECTIVE DATE**

**Section 22.1 Interpretation**

**A. Minimum Requirements:** In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

**B. Maintenance of Existing Law and Rules:** Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, subject to subsection (C).

**C. Controlling Provisions:** Where this Ordinance imposes a greater restriction upon the use of buildings or structures or land or upon the courtyards or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

**Section 22.2 Severability**

Sections of this Ordinance and amendments thereto shall be deemed to be severable and should any section, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid by court decree. Further, if any court of competent jurisdiction declares invalid the application of any provision of this Ordinance to a particular parcel, lot, land, use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot, land, use, building or structure not specifically included in said ruling.

**Section 22.3 Vested Right**

Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare, except as provided in Article 6, Nonconforming Lots, Uses and Structures.

**Section 22.4 Repeal**

**A. General:** The Convis Township Zoning Ordinance adopted on May 25, 1971, and amendments thereto, is hereby repealed as of the effective date of this Ordinance. The repeal of such ordinance and its amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

1. **Savings Clause.** A prosecution which is pending on the effective date of this Ordinance and which arose from a violation of an ordinance repealed by this Ordinance, or a prosecution which is started within one (1) year after the effective date of this Ordinance arising from a violation of an ordinance repealed by this Ordinance and which was committed prior to the effective date of this Ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

**Section 22.5 Adoption and Effective Date**

This Ordinance, adopted by the Convis Township Board on the 8th day of June, 2021, shall take effect seven (7) days following adoption and upon publication of a notice of adoption in accordance with the provisions of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

**End of Article 22**