

APPENDIX A - ZONING ORDINANCE

Footnotes:

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Editor's note— Printed herein is the township zoning ordinance. Amendments are indicated by parenthetical history notes following amended provisions. History notes for legislation adopted on or before Sept. 17, 2015, were present in the copy of the ordinance furnished to the publisher. Formerly, App. A was amended by legislation adopted March 14, 2002. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform, and the same system of capitalization, citations to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

ARTICLE 1. - TITLE, PURPOSES AND LEGAL CLAUSES

Section 1.01. - Short title.

This ordinance shall be known and may be cited as:

"The Charter Township of Emmett Zoning Ordinance."

Section 1.02. - Repeal and savings clause.

As of the effective date of this ordinance, the former Charter Township of Emmett Zoning Ordinance, enacted February 12, 1976, including amendments and additions thereto, is hereby repealed. The repeal of said ordinance shall not have the effect to release or relinquish any penalty, forfeiture, right or liability incurred under said ordinance or any part thereof, and such ordinance and all parts thereof shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action already started or prosecution for the enforcement of such penalty, forfeiture, right or liability.

Section 1.03. - Purpose and basic plan.

The provisions of this ordinance have been designed in order to generally implement the Master Plan of Emmett Township adopted by the township planning commission in September of 1994, as amended. The ordinance and the plan shall seek to: promote the public health, safety, morals and general welfare, encourage the use of lands in accordance with their character and adaptability, limit the improper use of land, avoid the overcrowding of population, provide adequate light and air, lessen congestion on the public roads and streets, reduce hazards to life and property, facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements, and conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties. Reasonable consideration has been given to, among other things, the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

Section 1.04. - Validity and severability clause.

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

structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

Section 1.05. - Conflict with other laws.

- a. Where any condition imposed by any provision of this ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this ordinance or by the provision of an ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.
- b. This ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this ordinance shall govern.

Section 1.06. - Period of effectiveness.

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

Section 1.07. - Construction of language.

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

- a. The particular shall control the general.
- b. In the case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
- c. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- d. Words used in the present tense shall include the future; and the words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- e. A "building" or "structure" includes any part thereof.
- f. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- g. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- h. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 3. "Either...or" indicates that the connected items, conditions, or provisions or events shall apply singly but not in combination.
- i. Terms not herein defined shall have the meaning customarily assigned to them.

Section 1.08. - Effective date; publication.

This ordinance will become effective upon the expiration of 7 days after publication of a summary of the regulatory effect of the ordinance in the Battle Creek Enquirer, a newspaper having general circulation in the Charter Township of Emmett.

ARTICLE 2. - ADMINISTRATION AND ENFORCEMENT

Section 2.01. - Administration.

The provisions of this ordinance shall be administered by the township planning commission and the township board in accordance with 2006 PA 110, as amended (MCL 125.3101, et seq.) and 2008 PA 33, as amended (MCL 125.3801 et seq.).

The township board shall appoint a zoning administrator to act as its officer to effect proper administration of this ordinance. The individual selected, the terms of employment and the rate of compensation shall be established by the township board. For the purpose of this ordinance, the zoning administrator shall have the powers of a police officer and shall be sworn in by the township clerk. The township board may appoint such assistants to the zoning administrator as may be necessary to aid the zoning administrator in the performance of his duties hereunder.

In the absence of the zoning administrator, the township board may designate a qualified zoning administrator from another governmental unit or a qualified individual, firm or agency to assume all the powers and duties of the zoning administrator on an interim basis until a new zoning administrator has been appointed.

Section 2.02. - Duties of the zoning administrator.

The zoning administrator shall:

- a. Review all applications for building permits and/or use and occupancy permits and approve or disapprove such application based on compliance with the provisions of this ordinance and other codes and ordinances adopted by the township board and approve issuance of the permit if the use and the requirements of this ordinance and other laws are fulfilled; provided, however, that such application shall also be subject to the approval of the building inspector as hereinafter set forth.
- b. Receive all applications for conditional use permits; conduct field inspections, surveys and investigations, prepare maps, charts and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; and notify the applicant, if requested, in writing of any decision of the planning commission.
- c. Receive all applications for appeals, variances, or other matters which the zoning board of appeals is required to decide under this ordinance; conduct field inspections, surveys and investigations, prepare maps, charts and other pictorial materials when necessary or desirable, and otherwise process applications to the zoning board of appeals for determination.
- d. Receive all applications for amendments to this ordinance, conduct field inspections, surveys and investigations, prepare maps, charts and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; report to the planning commission all such applications together with recommendations.
- e. Be responsible for updating the township zoning map and keep it correct.
- f. Prepare and submit to the township board and planning commission a written record of all building permits

issued during each month. The record shall state the owner's name, location of property, intended use and estimated cost of construction for each permit. The zoning administrator shall maintain and post monthly a list in the township hall of all building permits issued.

- g. Maintain written records of all actions taken by the zoning administrator.
- h. Be responsible for providing forms necessary for the various applications to the zoning administrator, planning commission, township board or zoning board of appeals as required by this ordinance and shall be responsible for what information is necessary on such forms for the effective administration of this ordinance, subject to the general policies of the township board, planning commission and zoning board of appeals.

Section 2.03. - Duties of the building inspector.

The building inspector referred to in this ordinance is and shall be the building inspector appointed by the township board pursuant to the provisions of 1972 PA 230, as amended (MCL 125.1501 et seq.), known as the "Stille-DeRossett-Hale single state construction code act" and the building inspector shall have and perform duties as therein set forth.

Section 2.04. - Building permits.

A building permit is required for and shall be obtained from the building inspector prior to the construction, enlargement, alteration, conversion or moving of any building or structure or any part thereof, except under the following circumstances:

- a. The erection and placing of a portable structure necessary to an agricultural operation in an agricultural district so long as the placement of said building shall conform to the setback and height requirements of the district in which it is located.
- b. Placement of a portable structure not to exceed 150 square feet in area.
- c. Ordinary repairs of a building or structure which do not change the use, occupancy, area, structural strength, fire hazard, fire protection, exits, light and ventilation of a building or structure.

Section 2.05. - Application for a building permit.

Application for a building permit and/or certificate of occupancy shall be made in writing upon a blank form furnished by the building inspector or zoning administrator, which application must first be approved by the zoning administrator and then by the building inspector. The application shall state the name and address of the owner of the building and the owner of the land upon which it is to be erected, enlarged, altered or moved. There shall be submitted with all applications for building permits and/or occupancy permits one copy of a site layout or plot plan showing:

- a. The address, shape, area and legal description.
- b. The location of the proposed construction, upon the lot, lots or acreage affected.
- c. The dimensions, height and bulk of structures.
- d. The nature of the proposed construction, alteration, or repair and the intended use.
- e. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other uses.
- f. The present use of any structure affected by the construction or alteration.
- g. The yard open area and parking space dimensions of parking spaces, if applicable.

- h. The number of loading and unloading spaces provided, if applicable.
- i. Any information deemed necessary by the building inspector to determine compliance with and provide for the enforcement of this ordinance.
- j. Certified permit from the county health department stating that the proposed on-site water and sewage system is in conformance with the county sanitary code.
- k. A conditional use permit issued by the township board, if required by the ordinance.
- l. All other licenses and permits required by law for the construction and enlargement, alteration, conversion or moving of the building or structure for which a building permit is being applied under this ordinance.
- m. A grading plan showing the existing and proposed flow direction of surface water runoff (drainage).

If the information shown on the site layout is in compliance with the above requirements and all other provisions of this ordinance, the building inspector shall issue a building permit upon payment of the required building permit fee.

Section 2.06. - Certificate of occupancy.

No lot, building or structure for which a building, conditional use or other permit was or should have been obtained under this ordinance or other law, shall be occupied or used until a certificate of occupancy has been issued by the building inspector. The building inspector shall inspect the lot and building and structure which is the subject of an application for a building permit at the time of the staking out of the building foundation, at the completion of the work authorized by the permit and at such other times as are required by the Stille-DeRossett-Hale single state construction code act, 1972 PA 230 (MCL 125.1501 et seq.) and shall determine on such inspections whether or not the construction or alteration of the building or structure or the use or occupancy of the lot conforms to the information provided in the application for the building permit, the conditional use permit and the provisions of this ordinance and all other laws relating to the construction, alteration, conversion or moving of the building or structure. It shall be the duty of the holder of every building permit and every conditional use permit to notify the building inspector when the lot, building or structure is ready for inspection. Following each inspection, the building inspector shall notify the holder of each permit, or his agent, as to whether or not the construction is in compliance with the application and this zoning ordinance, including conditional use permit restrictions/requirements, at the time of inspection. Should the building inspector determine that the use, building or structure is not in compliance with the application or this ordinance, further construction or use of the lot, building or structure or any part thereof shall cease until such lot, building or structure has been brought into compliance and approved by the building inspector following notice of the request for reinspection and reinspection duly made by the building inspector. Should a permit holder fail to comply with the requirements of the building inspector or this ordinance at any inspection stage, the building inspector shall report in writing such failure to the township clerk and revoke all building, conditional use or occupancy permits issued. The building inspector shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction not conforming to the ordinance requirements and such posting shall be considered as service upon and notice to the permit holder of the cancellation thereof; no further work upon said construction shall be undertaken or shall be permitted until the issuance of a new permit after reapplication therefore in accordance with the provisions of this ordinance. Failure of the permit holder to make proper notification of the time for inspecting shall automatically cancel the permits requiring the issuance of new permits before construction may proceed.

Following the final inspection of the lot, building or structure and the finding of the building inspector that said lot, building or structure or use thereof is in conformance with the applications and information on file and meets the requirements of this ordinance, the building inspector shall issue certificate of occupancy therefor.

Section 2.07. - Permit; voidable.

Any permit granted under the provisions of this Article shall be governed by 1972 PA 230 (MCL 125.1501 et seq.) ("the Stille-DeRossett-Hale single state construction code act").

Section 2.08. - Fees, charges and expenses.

The township board shall establish a schedule of fees, charges and expenses and a collection procedure for building or occupancy or conditional use permits, appeals, variances or other matters pertaining to the ordinance. The schedule of fees shall be posted in the office of the building inspector, and may be altered or amended only by the township board. No permit, certificate, conditional use approval or variance shall be issued until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken on proceedings before the board of appeals, until preliminary charges and fees have been paid in full.

Section 2.09. - Violations; nuisances per se.

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

Section 2.10. - Penalties (municipal civil infraction).

A person who violates any provision of this ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00 or more than \$500.00, plus costs and other sanctions for each infraction. Each day on which any violation of this ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense. Repeat offenses shall be subject to increased fines as provided by Chapter 2, Article III of the Emmett Charter Township Code of Ordinances.

Section 2.11. - Enforcement of zoning by township board.

In addition to all other remedies provided herein, the township board in the event it determines a structure, including tents and mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained or used, or any use of land or premises which is begun, maintained, changed, or abandoned in violation of any provisions of this ordinance, may, following the expiration of 30 days after notice of intent to proceed under this section is given to the owner of record of said land or premises at the last address shown on the records of said township, undertake to correct the violation and to assess the land or premises for the cost thereof, which said assessment shall become a lien upon said land and shall be collected in the same manner as township taxes in accordance with the law in such case made and provided.

Section 2.12. - Compliance bond.

- (1) To ensure compliance with this ordinance and any conditions imposed under this ordinance, the township may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the township covering the estimated cost of improvements be deposited with the clerk of the township to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The township may not require the deposit of the performance

guarantee until it is prepared to issue the permit. The township shall establish procedures by which a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements shall be made as work progresses.

- (2) This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited under the land division act, 1967 PA 288, MCL 560.101 to 560.293.

ARTICLE 2A. - SITE PLAN REVIEW

Section 2A.01. - Purpose.

It is recognized by this ordinance that the development of each parcel and site within the township is critical toward achieving sound planning and zoning practices which benefit the entire community. Toward this end, specific information is requested of each developer or resident seeking to make improvements on land, whether it is new construction on a vacant parcel or for additions or alterations to an existing structure. The information required of each applicant may be different depending upon the scope of the improvement to be made.

Section 2A.02. - Buildings, structures and uses requiring site plan review.

The building inspector shall not issue a building permit for construction until a review for compliance with this ordinance has been completed by the zoning administrator. The following buildings, structures and uses shall be subject to full site plan review as specified in Section 2A.05:

- a. A multiple-family dwelling containing three or more dwelling units.
- b. Any permitted or conditional use located within the commercial or industrial zoning districts, except for any detached buildings accessory to an existing principal building or use which are less than 1,500 square feet in area (subject to sketch plan review).
- c. Any conditional use within the agricultural or residential zoning districts which have commercial applications resulting in two or more employees or the creation of three or more parcels, lots or units or for housing seven or more residents within one facility or for other more intensive development. Such uses shall include churches, schools, planned unit developments, site condominiums, residential care facilities, mobile home parks, recreation facilities, intensive livestock operations, telecommunication towers and other uses where sketch plans are not sufficient for the issuance of a building permit or conditional use approval.

Section 2A.03. - Buildings, structures and uses requiring sketch plan review.

The building inspector shall not issue a building permit for construction until a review for compliance with this ordinance has been completed by the zoning administrator. The following buildings, structures and uses shall be subject to sketch plan review with approval by the building inspector, zoning administrator, planning commission or township board where required.

- a. All permitted uses within the agricultural or residential zoning districts, including accessory buildings, subject to meeting the site development requirements for the district in which the building, structure or use is located.
- b. All conditional uses or any other uses not subject to site plan review, including accessory uses or buildings,

home occupations or temporary uses.

Section 2A.04. - Submission and content of site plans and sketch plans.

- a. Site plans and sketch plans shall be submitted to the zoning administrator.
- b. The zoning administrator, township planning commission or township board may require, in addition to the site plan, information which addresses environmental, economic, fiscal or social impacts of the proposed development.
- c. Each submission for site plan review shall be accompanied by one application and four copies of the site plan and landscape plan for a standard review and ten copies of the site plan and landscape plan for a conditional use application. The application shall, at a minimum, include the following information:
 1. Applicant's name, address, and phone number.
 2. Proof of property ownership, and whether there are any options or liens against it.
 3. A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.
 4. The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land), and the signature of the owner(s).
 5. The address or parcel number of the property.
 6. Project title.
 7. Project description, including the total number of structures, units, bedrooms, offices, square feet, parking spaces, employees, amount of recreation and open space, and related information as pertinent or otherwise required by the ordinance.
 8. Name and address of the developer (if different from the applicant).
 9. Name and address of the engineer, architect and/or land surveyor.
 10. A vicinity map drawn at a scale of one inch equals 200 feet with north point indicated.
 11. The gross and net acreage of all parcels in the project.
 12. Land uses, zoning classification and existing structures on the subject parcel and adjoining parcels.
 13. Project completion schedule/development phases.
- d. The site plan shall consist of an accurate, reproducible drawing at a scale of one inch equals 20 feet to one inch equals 100 feet, showing the site which depicts the following:
 1. Property lines with dimension and setback lines.
 2. Existing topographic elevations at two-foot intervals, proposed grades and direction of drainage flows.
 3. Location and type of existing soils on the site with any certifications of borings.
 4. Watercourses and water bodies, including county drains and manmade surfaces, drainageways, floodplains and wetlands.
 5. Location of existing and proposed buildings and intended uses thereof as well as the length, width, and height of each building.
 6. Proposed location of accessory structures, buildings and uses including but not limited to all flagpoles, light poles, bulkheads, docks, storage sheds, and the method of screen where applicable.
 7. Location of existing public roads, rights-of-way and private easements of record.
 8. Locations of abutting streets and proposed alignment of streets, drives, curb cuts and access easements

serving the development.

9. Locations and design of barrier-free access carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
 10. Location, size, and characteristics of all loading and unloading areas.
 11. Location and design of all sidewalks, walkways and bicycle paths.
 12. Location of water supply lines and/or wells, including fire hydrants, and shutoff valves, and the location and design of wastewater lines, cleanout locations, connection points and treatment systems, including septic systems if applicable.
 13. Location of all other utilities of the site including, but not limited to, natural gas, electric, cable TV, telephone and steam.
 14. Proposed location of common open spaces and common facilities if applicable.
 15. Location, size and specifications of all signs and advertising features with cross sections.
 16. Location and specifications for all fences, walls and other screening features with cross sections.
 17. Location and specifications for all proposed perimeter and internal landscaping and the buffering features. For each landscape material the proposed size at the time of planting and of all vegetation to be retained on the site must be indicated.
 18. Location and specifications for all solid waste disposal facilities.
 19. Location and specifications for any existing or proposed above or belowground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
 20. Seal of the registered engineer, architect, landscape architect, surveyor, or planner who prepared the plan.
- e. Each submission for sketch plan review, whether for a conditional use permit and/or a building permit, shall include, at a minimum, the following information:
1. Applicant's name, address and phone number.
 2. Proof of ownership or a signed statement from the owner indicating they are acting on the owner's behalf.
 3. The address or parcel number for the subject property.
 4. The dimensions and total lot area of the subject property.
 5. The zoning of the subject property and the proposed front, side and rear yard setbacks.

The sketch plan shall consist of no less than an 8½ inches by 11 inches drawing at a scale of either one inch equals 50 feet or one inch equals 100 feet. It shall show the following information:

- a. Property lines with dimensions and frontage on any right-of-way, with the top of the drawing serving as the northern boundary of the site.
- b. The location of any existing and proposed buildings and the setback distance from the property lines.
- c. The size (square footage) of any existing and proposed buildings, based upon exterior dimension, with the principal building or dwelling unit identified separately.
- d. The presence of any easements and/or the location of any greenbelt buffer or landscaping required by the ordinance.
- e. The location of parking, driveways or other access and the type of surface existing and/or proposed (such

as gravel or asphalt).

Section 2A.05. - Review and approval of site plans and sketch plans.

- a. The zoning administrator shall review preliminary site plans and sketch plans and contact the applicant as to whether the ordinance requirements have been met.
- b. The zoning administrator may, at his/her discretion, request of the supervisor a review of such plans by an engineer, architect or planner retained by the township for such review. The cost of the review may be charged to the applicant where such expense is in excess of the required fee for site plan review.
- c. The zoning administrator may schedule the site plan with a request for a conditional use permit for review by the planning commission. Following review by the planning commission, the site plan may be approved with or without required changes, denied, or tabled for further review at a subsequent time. Applications for conditional use permit should include either a preliminary site plan or sketch plan, with the final site plan approved by the planning commission following action by the township board in order that the site plan [may] incorporate any required conditions imposed by the board.
- d. The applicant will be notified of the date of the meeting for review of their [his] request before the planning commission. [He] may choose to submit plans which are incomplete in terms of the required information for submission. The planning commission may approve site plans or sketch plans lacking some of the required information if they [it] believe[s] the development will be harmonious with surrounding land use.
- e. Approval or disapproval of the site plan shall be issued by the planning commission within 60 days of receipt of the application and payment of the required fees.
- f. Site plan approval shall be valid for one year following the approval by the planning commission.

Section 2A.06. - Development requirements.

All site plans shall be consistent with the development standards as specified in the Emmett Township Comprehensive Zoning Ordinance.

A performance bond may be required by the conditions of the site plan in order to ensure completion of the plan as authorized by section 2.12 of this ordinance.

Section 2A.07. - Conformity to approved site plan.

When an applicant receives site plan approval, he/she must develop the subject property in complete conformity with the approved plan. If a building permit has not been obtained and the on-site development actually begun with one year of the date of approval, the site plan approval shall become void and the developer shall make a new application for approval before proceeding.

ARTICLE 3. - ZONING BOARD OF APPEALS

Section 3.01. - Zoning board of appeals established.

There is hereby established a zoning board of appeals in accordance with section 601 of 2006 PA 110, as amended (MCL 125.3601).

Section 3.02. - Membership, terms of office; expenses; removal of members.

- a. The zoning board of appeals (ZBA) shall consist of five members. Members shall be appointed by majority vote of the members of the township board. The first member of the zoning board of appeals shall be a member of the township planning commission. The second member shall be a member of the township board appointed by the township board, but such a member shall not serve as chairperson of the ZBA. The remaining members shall be selected and appointed by the township from among the electors residing in the incorporated area of the Charter Township of Emmett. The members selected shall be representative of the population distribution and of the various interests present in the local unit of government. The township board may appoint to the ZBA not more than 2 alternate members for the same term as regular members. An employee or a contractor of the township may not serve as a member or employee of the zoning board of appeals. Members of the ZBA may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of their duties. Members of the board of appeals shall be removable by the township board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself/herself from a vote in which the member has a conflict of interest. Failure to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- b. The terms of office for an appointed member of the ZBA shall be 3 years, except for a member serving because of his/her membership on the planning commission or township board, whose term shall be limited to the time he/she is a member of that body. A successor shall be appointed not more than 1 month after the term of the preceding member has expired.
- c. The ZBA shall not conduct business unless a majority of the regular members of the ZBA are present.
- d. 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 on or vote on the same matter that the member voted on as a member of the planning commission or township board. However, the member may consider and vote on other unrelated matters involving the same property.

Section 3.03. - Meetings; powers and duties of chairman; records.

Meetings of the zoning board of appeals shall be held at the call of the chairperson and at such other times as the ZBA in its rules of procedure may specify. The chairperson may administer oaths and compel the attendance of witnesses. All meetings of the board of appeals shall be open to the public. The board shall maintain a record of its proceedings which shall be filed in the office of the township clerk and shall be a public record.

Section 3.04. - Duties; rules; hearing and decision of appeals; right to and grounds of appeal.

- a. The zoning board of appeals shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the zoning maps, and may adopt rules to govern its procedures sitting as a zoning board of appeals. The ZBA shall also hear and decide on matters referred to the ZBA or upon which the ZBA is required to pass under this zoning ordinance. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this zoning ordinance.
- b. The concurring vote of a majority of the members of the zoning board of appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the zoning board of appeals is required to pass under this zoning ordinance,

or to grant a variance under this zoning ordinance.

Section 3.05. - Time to appeal and notice of appeal; transmission of record.

An appeal to the zoning board of appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of this state or the local unit of government. In addition, a variance in the zoning ordinance may be applied for and granted under section 3.09 of this ordinance. The zoning board of appeals shall state the grounds of any determination made by the board.

An appeal under this section shall be taken within such time as prescribed by the zoning board of appeals by general rule, by filing with the body or officer from whom the appeal is taken and with the zoning board of appeals a notice of appeal specifying the grounds for the appeal. The body or officer from whom the appeal is taken shall immediately transmit to the zoning board of appeals all of the papers constituting the record upon which the action appealed from was taken.

Section 3.06. - Stay of proceedings pending appeal.

An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the zoning board of appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by the circuit court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

Section 3.07. - Hearings and notices; representation at hearing.

Following receipt of a written request for a variance, the zoning board of appeals shall fix a reasonable time for the hearing of the request and give notice as provided in section 103 of 2006 PA 110, as amended (the Michigan Zoning Enabling Act), MCL 125.3103.

If the zoning board of appeals receives a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, the zoning board of appeals shall conduct a public hearing on the request. Notice shall be given as required under section 103 of 2006 PA 110, as amended. However, if the request does not involve a specific parcel of property, notice need only be published as provided in section 103(1) of the Act and given to the person making the request as provided in section 103(3) of the Act.

At a hearing on a request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, a party may appear personally or by agent or attorney. The zoning board of appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.

Section 3.08. - Fee for appeal.

At the time of the filing of the notice of appeal, there shall be paid a fee prescribed by the township board; which fee shall immediately be placed in the township general fund.

Section 3.09. - Variances.

Upon receipt of a notice of appeal as provided for in this ordinance which requests that a variance be granted, the board of appeals, following a hearing in accordance with the terms of this article, shall have the power to authorize specific variances from such dimensional requirements as lot area and width regulations, building height and bulk regulations, yard

width and depth regulations, and such requirements as off-street parking and loading space as specified in this ordinance when all of the basic conditions can be satisfied:

- a. *Basic conditions.* That any variance granted:
 1. Where there are practical difficulties relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the zoning ordinance or to any other nonuse-related standard in this ordinance.
 2. Will not be contrary to public interest and will ensure that the spirit of this ordinance shall be observed.
 3. Shall not permit the establishment within a district any use which is prohibited, or any use for which a conditional use permit is required.
 4. Will not cause a substantial adverse effect to property or improvements in the vicinity or in the district in which the property of the applicant is located.
 5. Is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practicable.
 6. Relates to property that is under control of the applicant.
 7. Shall include as a condition to the variance the building area, any accessory structures, fences, and other similar appurtenances, none of which shall be altered without authorization by the board.
 8. Where there are exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same zoning district; and have not resulted from any act of the applicant subsequent to the adoption of this ordinance.
- [b. Reserved.]
- c. *Rules.* In addition to the foregoing conditions, the following rules shall be applied in the granting of variances:
 1. In granting a variance, the board may specify, in writing, to the applicant such conditions in connection with the granting that will, in its judgment, secure substantially the objectives of the provision to which such variance applies. The breach of any such condition shall automatically invalidate the variance granted.
 2. No more than the minimum variance from the terms of this ordinance shall be granted which is necessary to relieve the practical difficulty or unnecessary hardship.
 3. Each variance granted under the provisions of this ordinance shall become null and void unless:
 - (a) The construction authorized by such variance has been commenced within 180 days after the granting of the variance and is being carried progressively to completion.
 - (b) The occupancy of land, premises, or buildings authorized by the variance has taken place within one year after the variance was granted.
 4. No application for variance which has been denied wholly or in part by the board shall be resubmitted for a period of one 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 board to be valid.

Section 3.10. - Decision of the board of appeals and appeals to the circuit court.

The decision of the zoning board of appeals shall be final. A party aggrieved by the decision may appeal to the circuit court for the county in which the property is located.

An appeal from a decision of a zoning board of appeals shall be filed within whichever of the following deadlines comes first:

- a. Thirty days after the zoning board of appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the zoning board of appeals, if there is no chairperson.
- b. Twenty-one days after the zoning board of appeals approves the minutes of its decision.

ARTICLE 3A. - PLANNING COMMISSION

Section 3A.01. - Establishment; powers and duties.

The Emmett Charter Township Planning Commission heretofore created in accordance with 285 PA 1931, State of Michigan, as amended, is hereby continued pursuant to Sections 11 and 81 of 33 PA 2008 (MCL 125.3811 and MCL 125.3881). The Commission shall have all of the powers and shall be charged with all of the duties set forth in 33 PA 2008, as amended. The Commission shall further have all the powers and duties now or hereafter conferred upon such commissions by the law of the State.

Section 3A.02. - Membership; compensation; other offices.

- A. The Planning Commission shall consist of seven members appointed by the Township Supervisor, subject to the approval by a majority vote of the Township Board elected and serving. One member of the Township Board or the Township Supervisor, or both, may be appointed to the Planning Commission, as ex officio members. Except as provided in this subsection, an elected officer of the Township or employee of the Township is not eligible to be a member of the Planning Commission.
- B. The term of an ex officio member of the Planning Commission shall be as follows:
 - (1) The term of the Township Supervisor shall correspond to his or her term as Supervisor.
 - (2) The term of a member of the Township Board shall expire with his or her term on the Board.
- C. Members of the Planning Commission other than ex officio members shall be appointed for three year terms or until his or her successor takes office.
- D. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the Township, in accordance with major interests as they exist in the Township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry and commerce. The membership shall also be representative of the entire territory of the Township to the extent practicable.
- E. Members of the Planning Commission shall be qualified electors of the Township, except that one Planning Commission member may be an individual who is not a qualified elector of the Township.
- F. Members of the Planning Commission may be compensated if so determined by the Township Board.

Section 3A.03. - Removal of members; conflict of interest.

- A. The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- B. Before casting a vote on a matter upon which a member may reasonably be considered to have a conflict of

interest, the member shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the Planning Commission.

C. Failure of a member to disclose a potential conflict of interest as required by this section constitutes a malfeasance of office.

D. The Planning Commission shall define conflict of interest in its bylaws.

Section 3A.04. - Vacancies.

Vacancies occurring other than through the expiration of term shall be filled for the unexpired term in the same manner as provided for in original appointment.

Section 3A.05. - Chairman; meetings; rules; records; bylaws; annual report.

The planning commission shall elect a chairperson, vice chairperson and secretary from its members and create and fill other offices as it considers advisable. An ex officio member of the Planning Commission is not eligible to serve as chairperson. The term of each officer shall be one year, with opportunity for reelection as specified in bylaws adopted by the planning commission. The planning commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations. The planning commission shall also make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development. The commission shall hold not less than 4 regular meetings each year, and by resolution shall determine the time and place of the meetings. It shall adopt rules for the transaction of business set out in its bylaws.

Section 3A.06. - Preparation and adoption of master plan.

A. The planning commission shall make and approve a master plan as a guide for development within the Township subject to MCL 125.3881. The planning commission may include any areas outside the Township boundaries that, in the planning commission's judgment, are related to the planning of the Township.

B. In the preparation of the master plan, the planning commission shall do all of the following, as applicable:

1. Make careful and comprehensive surveys and studies of present conditions and future growth within the planning jurisdiction with due regard to its relation to neighboring jurisdictions.
2. Consult with representatives of adjacent local units of government in respect to their planning so that conflicts in master plans and zoning may be avoided.
3. Cooperate with all departments of the state and federal governments, public transportation agencies, and other public agencies concerned with programs for economic, social, and physical development within the planning jurisdiction and seek the maximum coordination of the Township's programs with these agencies.

ARTICLE 4. - AMENDMENT PROCEDURE

Section 4.01. - Initiating amendments and fees.

The township board may from time to time, on recommendation from the planning commission or upon its own initiative, amend, modify supplement or revise the district boundaries of the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the township board, the planning commission or by petition of one or more owners of property to be affected by the proposed amendment. Except for the township board or the planning commission, the petitioner or the petitioners requesting an amendment shall at the time of the application pay the fee in accordance with the requirements specified in section 2.08.

Section 4.02. - Amendments and supplements to zoning ordinance.

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

Amendments or supplements to the zoning ordinance may be made from time to time in the same manner provided in the Act for the enactment of the original ordinance. Before submitting its recommendations for a proposed zoning ordinance to the township board, the planning commission shall hold at least 1 public hearing. Notice of the time and place of the public hearing shall be given in the same manner as required under section 103(1) of the Michigan Zoning Enabling Act, 2006 PA 110, as amended (MCL 500.3101 et seq.) for the initial adoption of a zoning ordinance or section 202 of the Act for any other subsequent zoning text or map amendments.

Notice of the time and place of the public hearing shall also be given by mail 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 clerk of the legislative body for the purpose of receiving the notice of public hearing.

The notices required under this section shall include the places and times at which the proposed text and any maps of the zoning ordinance may be examined.

Section 4.03. - Conformance to court decree.

An amendment to conform a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the township board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for under this act.

ARTICLE 5. - GENERAL PROVISION

Section 5.01. - Establishment of districts.

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

AB—Agricultural business district.

RR—Rural residential district.

RA—Low-density residential district.

RB—Medium-density residential district.

MH—Manufactured/mobile home park district.

MF—Multiple family district.

LC—Local commercial district.

GC—General commercial district.

RC—Regional commercial district.

LI—Light industrial district.

IP—Industrial park district.

OC—Open space and water body conservation district.

Section 5.02. - Provision for official zoning map.

These districts, so established, are bounded and defined as shown on the map entitled "Zoning District Map of the Charter Township of Emmett," adopted by the township board, and which, with all notations, references and other information appearing thereon or applicable thereto, is hereby declared to be a part of this ordinance and of the same force and effect as if the districts shown thereon were fully set forth by metes and bounds therein.

Section 5.03. - Changes to official zoning map.

If, in accordance with the procedures of this ordinance and of the Michigan Zoning Enabling Act, 2006 PA 110, as amended, (MCL 125.3101, et seq.) a change is made in a zoning district boundary, such change shall be made by the zoning administrator or deputy zoning administrator, or, in their absence, the building inspector, promptly after the ordinance authorizing such change shall have been adopted and published by the township board. No change of any other nature shall be made unless authorized by the planning commission.

Section 5.04. - Authority of official zoning map.

Regardless of the existence of purported copies of the official zoning map, which may, from time to time, be made or published, the official zoning map shall be located in the office of the zoning administrator. In the absence of the zoning administrator, the building inspector shall be the final authority as to the current zoning status of any land, parcel, lot, district, use building or structure in the township.

Section 5.05. - Replacement of official zoning map.

In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the township board may by ordinance adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions on

the prior official zoning map, but no such correction shall have the effect of amending the zoning ordinance or the prior official zoning map. The new official zoning map shall be identified by the signature of the township supervisor, attested by the township clerk, and bear the seal of the township under the following words:

"This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of the Charter Township of Emmett on October 18, 2015."

Section 5.06. - Interpretation of zoning districts.

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

- a. A boundary indicated as approximately following centerline of a highway, street, alley, railroad or easement shall be construed as following such centerline.
- b. A boundary indicated as approximately following a recorded lot line, bounding a parcel, section line, quarter section line, or other survey line shall be construed as following such line.
- c. A boundary indicated as approximately following the corporate boundary line of a city, village or township shall be construed as following such line.
- d. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- e. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
- f. A boundary indicated as parallel or an extension of a feature indicated in paragraphs a. through e. shall be so construed.
- g. A distance not specifically indicated on the official zoning map shall be determined by the scale of the map.

Section 5.07. - Application of regulations.

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

- a. No building, structure or land shall be used or occupied, and no building or structure or any part thereof shall be erected, moved, or altered unless in conformity with the regulations specified for the district in which it is located.
- b. No building or structure shall be erected or altered in violation of the lot area, lot width, lot coverage, minimum floor area, front, side and rear yard, height, off-street parking, open space, interior living space, setback, greenbelt buffer, accessory building or structure, lot-building relationship, water supply and sanitary sewerage facilities, street access, fences, walls and screens, swimming pools, signs, and other regulations of such building or structure as provided in this ordinance for the district in which such building or structure is located.
- c. No building or structure shall be erected or altered to accommodate or house a greater number of persons or families than is provided for by the regulations of this ordinance for such building or structure for the

district in which such building or structure is located.

- d. A legal use of land not expressly permitted within a zoning district is prohibited, except when a proposed use of structure, building or land is not mentioned in any district within the Ordinance. The board of appeals shall have the power to classify a use of structure or building or land which is not specifically mentioned in this ordinance along with a comparable permitted or prohibited use, structure or building for the purpose of regulating such unclassified use, structure or building in any district in which such is located or proposed to be located.

ARTICLE 6. - SUPPLEMENTAL REGULATIONS

Section 6.01. - Application of supplemental regulations.

The following regulation of buildings and structures and land and the uses thereof are applicable to all zoning districts regardless of classification unless specifically limited hereafter in this article 6.

Section 6.02. - Accessory buildings.

- a. Whenever an accessory building or structure is attached to the principal building, at the time of issuance of the original building permit, it shall be considered a part of the principal building and shall conform to all required front, side and rear setbacks for the zoning district in which it is located.
- b. A detached accessory building shall not encroach into a required front or side yard setback, including corner lots where the front setback applies to both street frontages.
- c. A detached accessory building may encroach the required rear yard, but in no case shall the detached accessory building be located closer than eight feet to the rear lot line, including roof overhang.
- d. A detached accessory building may not be closer than ten feet to the principal building or another detached accessory building unless building code provisions can otherwise be met.
- e. An accessory building may not be constructed on a lot or parcel of land until and unless a principal building is first constructed on the lot or parcel.
- f. Construction of new accessory buildings and additions, which are to one- or two-family dwellings, whether attached or detached to the principal building, shall be limited in size based upon the total lot size in relation to the total of all existing and proposed accessory buildings as follows:
 1. All accessory buildings shall not exceed ten percent of lot area, excluding areas devoted to public road rights-of-way or private access easements. To determine floor area of any accessory building, the exterior wall dimensions shall be used to determine floor area.
 2. The maximum size of any one accessory building shall be 1,500 square feet on lots of less than one acre.
- g. Accessory buildings, except those built in connection with an established agricultural enterprise, shall have architectural style and exterior finishes similar to the principal building on the same lot or parcel.

Section 6.03. - Lot-building relationship.

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

Section 6.04. - Accessory building as dwelling.

No accessory building on the same lot as a principal building shall be used for dwelling purposes.

Section 6.05. - Basement as dwelling.

No basement structure shall be used for occupancy unless a completed story is situated immediately above the basement structure and such story is used as a dwelling, or unless said structure is of a type to be covered with earth pursuant to the state building code requirements.

Section 6.06. - Required water supply and sanitary sewerage facilities.

No structure for human occupancy or use shall hereafter be erected, altered, or moved or used or occupied unless it shall be provided with a safe, sanitary and potable water supply and a safe effective means of collection, treatment and disposal of wastes as certified in writing by the Calhoun County Health Department and the township sewer superintendent and its successors or assigns.

Section 6.07. - Greenbelt buffer.

Prior to the commencement of construction of any building or structure in a commercial district or industrial district, where the property on which such structure or building is to be erected or placed abuts, adjoins or is adjacent to property located within a residential district or is used for residential purposes or as a park, a greenbelt buffer shall be established. This shall be identified on the approved site plan or landscape plan (if separate) and shall be completed within six months from the date of final inspection and shall thereafter be maintained, in accordance with the following specifications and requirements. The greenbelt buffer shall be placed along the perimeter of any residential zone providing a width of no less than ten feet and be composed of the following materials or any combination thereof: grass, evergreens, deciduous trees, shrubs and bushes; opaque (wood) fencing or a combination of materials being no less than six feet high and subject to section 7A.04.

Section 6.08. - Access to a street (private driveways and private roads).

- a. No building or structure shall be erected, altered, moved, occupied, or used on any lot which does not have frontage on a public street unless access is provided by an easement of at least 66 feet in width. Such easement shall be exclusively from the required lot width standard for the district in which the lot is located.
- b. Where the legally described 66 foot easement provides access to not more than two (2) parcels or lots, it may be so utilized, provided such easement is presented and approved administratively by the zoning administrator at the time of land division. If the easement is intended to serve as the basis for frontage, it must be extended through the length of such parcel before it may be utilized as lot width for any division. The owners of each parcel or lot that rely on the easement for access must submit a recorded shared driveway agreement, indicating that the easement will ensure such access and that an improved driveway shall be constructed, consisting of a gravel base of at least 8 inches thick, be paved with a dust free surface that will prevent erosion of the surface, have a width of at least 20 feet, and a height clearance of at least 15 feet, with this extending so that each individual driveway is provided access.
- c. Where the closest property line of a single parcel or lot is greater than 200 feet from a public street or paved

private road such driveway must adhere to the improved driveway standard above in order to allow access by emergency vehicles.

- d. Before application for land division creating the third parcel or lot to be accessed, the applicant shall submit an application for a site plan review in order to establish a private road, with this review and approval of the private road by the Planning Commission before any further land divisions may occur. Such private road shall adhere to the standards of the Calhoun County Road Department for the construction of a gravel road. This improved surface shall provide access to no more than a total of five (5) parcels utilizing the easement for access purposes. Each property owner shall be permitted to extend their individual driveways into the easement for access purposes. Each property owner shall be permitted to extend their individual driveways into the easement in order to connect such to the improved surface.
- e. For any commercial development, land division of six (6) or more parcels, or for any plat (subdivision), or site condominium project, including those within planned unit residential developments, or as part of an open space preservation project, a private road shall adhere to the standards of the Calhoun County Road Department for a paved public road. This shall be reviewed and approved by the Planning Commission under the site plan review or if part of a plat or site condominium project, during the review process.

Section 6.09. - Visibility at intersections.

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three feet above street grade on any corner lot or parcel within the triangular area formed by the intersecting street right-of-way line at points which are 30 feet distant from the point of intersection, measured along the street right-of-way lines. This provision shall apply in all residential, commercial and industrial zoning districts.

Section 6.10. - Street closures.

Whenever any street, alley or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation, and all area included therein shall henceforth be subject to all appropriate regulations of that district within which such area is located.

Section 6.11. - Exceptions from height regulations.

The following structures may be exempt from the height requirements provided in the district in which the structure is located: spires, belfries, penthouses and domes not used for human occupancy; chimneys; ventilators; skylights; water tanks, bulkheads; utility poles; power lines; silos; parapets; and other necessary mechanical appurtenances; provided their location shall conform where applicable to the requirements of the Federal Communications Commission, the Civil Aeronautics Administration and other public authorities that have jurisdiction.

Section 6.12. - Fences, walls and screens.

Except as otherwise required by the Emmett Township Zoning Ordinance, no fence or wall or other screening shall be erected in any zoning district except as provided in this section:

- a. Except for rock or brick walls not exceeding 4 feet in height, no opaque fence, wall, or other screening structure shall be erected within the front yard setback. Where dwellings or other buildings are established in a planned development or with similar front yard depths, no opaque fence may be installed in front of the

front building line. Split rail fences, picket fences, wrought iron fences, chain link fences, and other types of non-opaque fences may be installed in front yards, provided they do not exceed four (4) feet in height and do not obstruct visibility under Section 6.09.

- b. No opaque fence, wall or other screening structure shall be erected within the limits of a side yard of a corner lot unless it conforms to the required side (front) yard setback for structures on corner lots in the zoning district in which it is located.
- c. Within a side yard of any residential or agricultural zoned property, no fence or other screening structure shall be erected if higher than seven (7) feet above the surface of the ground.
- d. Within a side, front or rear yard of any industrially or commercially zoned property, no fence or other screening structure shall be erected if higher than ten feet above the surface of the ground.
- e. Within the limits of the rear yard of any residentially zoned property, no fence or other screening structure other than evergreens, deciduous trees, shrubs and bushes shall be erected if higher than eight feet above the surface of the ground.
- f. Electrified or barbed fences or use of materials other than manufactured products of chainlink, aluminum, vinyl or wood, steel or masonry shall not be erected within a residentially zoned area.
- g. Only chainlink or similar type of fencing shall be erected within industrial or commercial zoned areas, unless an opaque fence is utilized for purposes of screening or as a greenbelt buffer subject to site plan approval or, for existing uses, by the zoning administrator. The height of the opaque fence shall not exceed eight feet in height. Opaque material shall be either vinyl or wood and consistent in size and style for a uniform appearance.

(Ord. No. 4-2018, §§ 1, 2, 9-13-2018)

Section 6.13. - Shoreline excavation and dredging.

No person shall alter, change, transform or otherwise vary the edge, bank or shore of any lake, river or stream except in conformance with the following:

- a. As provided in the Inland Lakes and Streams Act, part 301 of the Natural Resources and Environmental Protection Act (MCL 324.30101 et seq.), and in accordance with the requirements of the Michigan Department of Natural Resources.
- b. If any edge, bank or shore of any lake, river or stream is proposed to be altered in any way by any person, such person shall submit to the planning commission all data, exhibits and information as required by the department of natural resources.

Section 6.14. - Essential services.

Following the construction, erection or placing of essential services on or under the surface of the land, the surface of the land shall be restored as nearly as possible to the condition as it existed prior to the construction or erection of such essential service structures; provided, however, that this regulation shall in no way prevent the landscaping of the surface of such land in accordance with the permit issued for the construction or erection of the essential service structures in such a manner so as to improve the surface of the land over the condition thereof as it existed prior to such construction or erection.

Essential services shall be exempt from all area requirements in the agricultural, industrial and open space waterbody conservation district.

Section 6.15. - Swimming pools.

No swimming pool shall be constructed or placed in the front yard or in the case of a corner lot, in the side yard bordering on the street.

All swimming pools shall conform to the requirements of the Calhoun County Health Department and the Michigan State Construction Code. Swimming pools to be constructed or which are already constructed shall be enclosed by a fence, wall or other structure which shall be at least four feet in height and [as] measured from the outside. Any opening under the bottom of the fence shall not be more than four inches in height. A fence or wall enclosure shall be of a type that impedes climbing by small children and shall be equipped with a gate that is a self-closing and latching type with the latch on the pool side of the gate. Said entranceway shall lead to the shallow end of the pool. If a fence or wall meeting the above requirements encloses the pool and the principal building or structure and all accessory buildings or structures located on the premises, a separate pool fence meeting the above requirements need not be constructed.

Section 6.16. - Continued conformance with regulations.

The maintenance and use of buildings, lands and structures in compliance with the regulations provided for in this ordinance and applicable thereto shall be a continuing obligation of the owner and occupier and user of such building, land or other structure.

Section 6.17. - Standards for single- and two-family dwellings.

All single- and two-family dwellings to be constructed in the township shall conform to the standards herein. It is the purpose of these to create minimum floor area and architectural standards to preserve property values, stabilize residential neighborhoods and prevent blighting of areas due to unfinished or deteriorated building conditions.

- a. In every zoning district in which one- or two-family dwellings are permitted, each principal residential building shall have a minimum width of 22 feet at its narrowest dimension.
- b. Prior to a certificate of occupancy being issued under provisions of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, as amended, or successor building code, the exterior of the dwelling unit shall be completely finished with paint or stain on wood products, aluminum or vinyl siding, masonry, or equivalent material manufactured for an intended use as exterior building finish. All such material shall be installed, finished and trimmed in a manner approved by the building official.
- c. In no event shall a stick-built addition be added to an existing mobile or manufactured home due to difference in foundation requirements and the likelihood of uneven frost heave and future building damage and the general inability of matching architectural style between structural types and established homes in the nearby neighborhood.
- d. A residential structure having less than the minimum dimension and minimum floor area requirements of this ordinance shall not be relocated or brought into the township nor shall such residential structure be placed on any lot or parcel in the township, except in a duly licensed mobile or manufactured home park.
- e. All one- and two-family residential structures shall have eave and gable-end overhangs of not less than six inches with rain gutters and down spouts.

Section 6.18. - Temporary buildings or offices.

Temporary buildings or offices used during construction of a principal building or use shall be on site only during the period of time that a valid building permit is in place and is active.

Section 6.19. - Donation boxes.

Donation boxes, as defined in section 21.02 of this ordinance, are permitted in every zoning district subject to the following regulations:

- a. Donation boxes must display identification information including, at a minimum, the owner's name, phone number and address.
- b. The owner or owner's agent must register each box placed within the township with the township clerk on a form provided by the clerk and pay a registration fee as shall be established from time to time by the township board and contained within the township's schedule of fees. The township board may wave a portion or all the registration fee for non-profit organizations but shall not be required to do so.
- c. Donation boxes must be emptied at least once a month and shall not be allowed to overflow.
- d. Donation boxes shall be neatly painted and otherwise maintained in a clean and orderly condition and shall display no rust.
- e. Donation boxes may be placed only on improved, paved surfaces and only with the consent of the landowner.
- f. Donation boxes may not be placed on or in the public right-of-way, nor may they be placed on either public or private sidewalks nor at locations where such boxes obstruct the path of travel of pedestrians, bicyclists or motorists. Likewise donation boxes may not be placed in locations at or near intersections where they obscure the field of vision of approaching motorists, nor may they be placed at other locations where such placement jeopardizes the safety of the motoring public.
- g. Violations of any of these regulations shall constitute a municipal civil infraction punishable as provided in section 2.10 of this ordinance. In addition, the township shall have the right to either reposition or remove any box determined to be placed or maintained in violation of these rules.

ARTICLE 7. - NONCONFORMING BUILDINGS AND USES

Section 7.01. - Continuation of nonconforming buildings and uses.

Buildings and structures and uses of buildings and structures and uses of land which were lawful under the Emmett Township Zoning Ordinance of 1976 and prior zoning ordinances, as amended, may be continued, although such structure, building or use does not conform to the provisions and regulations of this ordinance, subject to the limitations, conditions and requirements set forth in the following sections of this article 7.

Section 7.02. - Structural changes.

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

Section 7.03. - Extensions.

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

Section 7.04. - Abandonment.

Whenever a nonconforming use of land shall be abandoned for a period of more than 90 consecutive days and whenever a nonconforming use of a building or structure shall be abandoned for six consecutive months, such use shall not thereafter be reestablished or continued in any manner unless such use conforms to the provisions of this ordinance applicable to the district in which it is located.

Section 7.05. - Reversion to nonconforming use, building or structure.

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

Section 7.06. - Improvements.

Nothing in this ordinance shall prohibit the improvement or modernizing of a lawful nonconforming building or structure, provided that such improvement or modernizing does not increase the height, area, bulk or use of such building or structure except in the following cases:

- a. Increase in height, area or bulk is confined to required setbacks.
- b. A conforming addition is made to a lawful nonconforming structure.

Section 7.07. - Repairs.

Any lawful nonconforming building or structure may be repaired during its normal useful life to correct deterioration, obsolescence, depreciation and normal wear and tear, provided that such repair does not exceed an aggregate cost of 30 percent of the assessed value of the building or structure.

Section 7.08. - Restoration of damage.

Any lawful nonconforming use damaged by fire, explosion, flood or other act of God may be restored or rebuilt provided that such restoration or rebuilding does not exceed 60 percent of such building's or structure's assessed valuation, exclusive of the assessed value of the foundation.

Section 7.09. - Prior construction approval.

When, on the effective date of this ordinance or any amendment thereto, a building permit has already been issued for the construction or erection of a nonconforming building or structure, such building or structure may be completed in accordance with the building permit and shall thereafter become a nonconforming building or structure provided that

construction is commenced within 90 days after the issuance of the building permit and that construction is carried on diligently and in accordance with the building permit and completed within two years after the issuance of the building permit.

Section 7.10. - District changes.

Whenever the boundaries of a district shall be changed by amendments to this ordinance so as to transfer land from one district to another of a different classification or having different regulations, lawful building and structure and lawful use of buildings, structures and lands existing on the effective date of such amendment shall become legal nonconforming buildings or structures or uses of buildings or structures or uses of land as a result of the boundary change.

Section 7.11. - Elimination of illegal buildings, structures and uses.

In accordance with Sec. 208 of 2006 PA 110 (MCL 125.3208), as amended, or any other state law applicable hereto, the township board may acquire by condemnation, purchase or other means, properties on which illegal buildings or structures or uses are located and may remove such uses, buildings or structures or may be used by the township for a public use. The cost and expenses of such acquisition may be assessed against a benefit district, or may be paid from other sources of revenue.

Section 7.12. - Marijuana facilities.

- A. No marijuana facility operating or purporting to operate prior to December 15, 2017, shall be deemed to have been a legally existing use nor shall the operation of such marijuana facility be deemed a legal nonconforming use under this ordinance.
- B. A property owner shall not have vested rights nor nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment thereto.
- C. Discontinuation of a state medical marijuana facility license shall constitute prima facie evidence that a nonconformity has been discontinued.

(Ord. No. 1-2018(2), § 1, 3-22-2018; Ord. No. 5-2018, § 1, 9-13-2018)

ARTICLE 7A. - LANDSCAPING AND SCREENING

Section 7A.01. - Purpose.

It is hereby declared that impact of urban development on the form, function and environment of the township is significant. The following requirements are intended to ensure a high level of quality and to secure compatible relationships between land use activities and to improve the appearance of the township within developing residential, agricultural, commercial and industrial areas.

Section 7A.02. - General requirements.

Landscaping and screening as provided in this section shall be required on the site in the following cases:

- a. Whenever a building permit is required for the erection of a main building or structure other than a one- to two-family residential dwelling or accessory building related thereto.

- b. Whenever a building permit is required for a building addition, for other than a one- or two-family residential building which exceeds 500 square feet or alterations, renovations or repairs which exceed \$100,000.00 (as determined by the department of public service).
- c. Existing lots or uses unable to satisfy the minimum landscaping requirements of this ordinance due to a lack of land not covered by buildings, drives or required parking areas are encouraged to utilize planters, flower boxes, potted plants or other similar containers as alternatives to in-ground planting.
- d. All required landscaping and screening shall be completed within 180 days after issuance of the final occupancy permit.

Section 7A.03. - Parking lot landscaping.

- a. Perimeter landscaping. Parking lots, or parts thereof, that are adjacent to and visible from a public right-of-way or are adjacent to a public park or land utilized or zoned for residential purposes, must include the following perimeter landscaping between the parking lot and the right-of-way and/or the parking lot and the park or residential zone or use (applies to public alleys only when a residential use or zone is located across from a public alley):
 1. A landscaped green strip at least ten feet in width.
 2. One tree for every 30 feet or fraction thereof of street frontage of the parking lot.
 3. One tree for every 30 feet or fraction thereof of land adjacent to the parking lot and the residential zone or use.
- b. Interior landscaping. Parking lots of greater than 10,000 square feet, in addition to subsection (a) above, must meet the following interior landscaping requirements:
 1. Within the interior of the parking lots, there shall be one square foot of landscaped area for each 15 square feet of the parking lot. In computing the lot area for this subsection, the paved area within 20 feet of the perimeter landscaping may be excluded.
 2. Each interior landscaped area shall have at least 150 square feet.
 3. The interior landscaped areas shall be located in a manner that breaks up the expanse of paving throughout the parking lot.
 4. There shall be at least one deciduous tree for each 150 square feet, or fraction thereof, of interior landscaped area. Each tree shall be provided with an open land area of not less than 75 square feet with a minimum caliper of four inches at the tree trunk in each interior landscaped area.

Section 7A.04. - Screening of conflicting land uses.

It is the intent of this section that neighboring residential and park properties are shielded from any adverse external effects and negative impacts of non-residential development. A screen required by this section is intended to limit visual contact between uses and to create a strong impression of spatial separation. Such screen must be opaque in all seasons of the year and shall be composed of a landscaped earth berm, hedge, fence, wall, planted vegetation or existing vegetation or a combination thereof which is opaque from the ground to the height of at least six feet.

Separation screening is required for the following abutting land uses:

- a. A parking lot, office, business use or any combination thereof abutting a public park or land utilized or zoned for residential purposes must be separated by screening between it and all abutting areas of such park or

residential land or use.

- b. An industrial or research park or combination thereof use abutting a public park or land utilized or zoned for residential purposes shall have as separation screening, an earth berm with a minimum height of eight feet. The berm shall meet all requirements of section 7A.07.i below.

Section 7A.05. - Planning commission approval.

- a. The planning commission may approve screening consisting of existing vegetation, planted vegetation and topographical characteristics of the land, or a combination thereof, if it satisfies the intent and purpose of section 7A.04. The planning commission shall consider the characteristics of the land and vegetation present, the adequacy of the screening proposed and other factors which impact upon adjoining residential and park uses. The planning commission in approving the use of existing topographical characteristics of the land or existing and/or planted vegetation may condition such approval on the planting of new vegetation in the number, size and type to satisfy the intent and purposes of this section.
- b. The planning commission may increase the height of the separation screening and/or require additional landscaping as part of site plan review under section 7A.08 if the minimum requirements of this ordinance would not adequately protect existing or future abutting residential or park uses. In deciding whether the requirements of this ordinance protect abutting residential or park uses, the planning commission may consider factors which include, but are not limited to the topography of the land, the type(s) or use(s) involved, the materials and vegetation to be utilized and the distance between structures and uses.

Section 7A.06. - Refuse containers.

Refuse containers for other than single- or two-family uses shall be screened from view from any public right-of-way or adjacent residential use or residential zone. Screening shall consist of a solid wall or fence or live landscape material at least six feet high.

Section 7A.07. - Materials standards.

Materials used to comply with this ordinance must meet the following standards:

- a. No artificial plants or trees may be used. All plant materials must be maintained in a healthy and growing condition. All fences and walls must be maintained so as to ensure the continuity and appearance of the fence and/or wall. Diseased, dying, dead and/or damaged materials must be replaced to ensure the continuity of the required buffer.
- b. Where plant material is used for screening, it shall be composed of at least 50 percent evergreens. Plant materials shall be of a size, quantity and spacing to achieve 70 percent year-round opacity within three years.
- c. Where a wall or fence is used in conjunction with landscaping, with the exception of walls or fences abutting a public right-of-way, such a wall or fence shall be set adjacent to and within one foot of the property line except where natural features prevent the use of the property line or where underground utilities interfere.
 1. Where a wall is used in conjunction with landscaping or screening, such wall shall be an opaque masonry structure, built upon an appropriate foundation. If concrete blocks are used for walls, they must be decorative or brick faced.
 2. Where a fence is used in conjunction with landscaping, such fence shall be a decorative structure not exceeding four feet in height.

3. Where a fence is used in conjunction with screening, such fence shall be an opaque, decorative structure with appropriate footing depth. Vertical and horizontal members which support the fence shall be concealed within the fence or be exposed only on the non-residential side of such fence.
- d. Whenever a wall or fence is required, deciduous trees shall be planted in the ground adjacent to the wall or fence, unless the width or depth of the planting area cannot support such trees.
- e. Perimeter landscaped areas adjacent to a public right-of-way shall be covered with grass or ground cover. When grass or ground cover is used, it shall be planted and maintained to present a finished landscaped appearance within one growing season. Interior landscaped areas shall be covered with grass, ground cover, adequately prepared and weed-retardant stone beds or bark or wood chip mulch.
- f. When required by this ordinance, deciduous trees shall have a mature crown spread of greater than 15 feet. Permitted trees may include: Norway maples, oaks, lindens, ashes, London planes, honey locust, beech, and other types of trees with township approval. Trees not permitted include: catalpa, elms, horse chestnuts, silver maples, poplar, willow or box elder. At planting, trees must have a minimum caliper of 2½ inches at six inches above the root ball, a burlap ball size of at least ten times the caliper size, and a clear stem of at least four feet.
- g. When required by this ordinance, evergreen trees shall be a minimum of five feet in height with a minimum spread of three feet, and a burlap ball size of at least ten times the caliper size.
- h. Existing vegetation on the property may be used to meet the requirements of this ordinance if it meets the size, species and opacity requirements.
- i. Berms shall have slopes no greater than one vertical foot for each three horizontal feet and shall have at least two feet of flat area on top and shall have adequate protection to prevent erosion. The berm shall be planted and maintained so as to present a finished landscaped appearance.
- j. Landscaped areas within the interior of a parking lot shall be protected by concrete or bituminous curbing.

Section 7A.08. - Landscape plan.

A landscaping plan must be submitted to the department of public service for review showing the location, type and size of all screening and landscaping in sufficient detail for a determination that the landscaping and screening conforms with the requirements of this ordinance. The zoning administrator shall make a recommendation to the planning commission regarding approval as part of the site plan review process. Final approval shall be granted by the planning commission. Rearrangement of landscaping may be required to prevent traffic hazards, vision obstructions or other dangers to public safety. The landscaping plan shall be made part of the site plan required by article 2A.

Section 7A.09. - Landscape lighting.

Devices shall be adequately shielded and screened so that no light will glare directly onto any public right-of-way or onto adjacent property.

ARTICLE 8. - SIGN REGULATIONS

Footnotes:

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Editor's note— Ord. No. 3-2018, § 1, adopted Sept. 13, 2018, repealed the former Art. 8, §§ 8.01—8.09, and enacted a new Art. 8 as set out herein. The former Art. 8 pertained to similar subject matter and derived from Ord. No. 1-2015, § 1, adopted Sept. 17, 2015 and legislation adopted on March 14, 2002.

Section 8.01. - Statement of purpose.

The purpose of this article is to establish reasonable regulation of the use of signs and outdoor advertising in a manner that will minimize their harmful effects while permitting latitude for creative and effective advertising and identification. To achieve this purpose, this article has the following objectives:

- a. To prevent the number of signs and sign messages from exceeding a level reasonably necessary to identify businesses and their products;
- b. To prevent the placement of signs in a manner that will conceal or obscure existing signs or adjacent buildings;
- c. To keep signs within a reasonable scale with respect to their surroundings;
- d. To prevent off-premises signs from conflicting with business, residential and other uses;
- e. To keep the areas adjacent to streets clear of signs that might obstruct the view and/or distract the attention of motorists;
- f. To ensure that the number, size and location of signs do not create a negative impact on the image or aesthetic environment of the Township; and,
- g. To control the use of signs and their motion, colors, and illumination that may negatively affect property values and may be injurious to the mental or physical wellbeing of the public.

(Ord. No. 3-2018, § 1, 9-13-2018)

Section 8.02. - Definitions.

The following words and terms shall, have the meanings shown herein, within this article.

Abandoned sign. A sign and/or sign structure that has ceased to be used for more than six (6) months, or is found to be abandoned by the zoning administrator after having given a three (3) month notice to the property owner of record. If the owner fails to respond to the notice, or if the zoning administrator has documented six (6) months of non-use, then sign and/or sign structure shall be considered to be abandoned and shall thereafter only be re-established in full compliance with this ordinance.

Animated sign. An animated sign employs actual motion or the illusion of motion. Animated signs, are differentiated from changeable signs as defined and regulated by this article, including the following types:

1. *Electrically Activated.* Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
 - A. *Flashing.* Animated signs or animated portions of signs whose illumination is characterized by a cycle of blinking, flashing, fluttering, or change in color intensity during which the period of illumination is either the same as, or less than the period of no illumination and provided that no single light shall blink, flash, flutter, or change its intensity of color more often than one time every 4 seconds.
 - B. *Patterned Illusionary Movement.* Animated signs or animated portions of signs whose illumination is

characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing light patterns designed to appear in some form of motion provided that no single light shall blink, flash, flutter, or change its intensity of color more often than one time every 4 seconds.

2. *Environmentally Activated.* Animated signs or devices motivated by wind, thermal changes or other natural environmental input including spinner, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation, provided that no blinking, flashing, fluttering, or change its intensity of color occurs more often than one time every 4 seconds.
3. *Mechanically Activated.* Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or any other mechanically induced means, provided that no blinking, flashing, fluttering, or change its intensity of color occurs more often than one time every 4 seconds.

Architectural projection. Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also "Awning"; "Backlit awning"; and "Canopy, attached and freestanding."

Awning. An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

Awning sign. A sign displayed on or attached flat against the surface or surfaces of an awning. See also "Wall or fascia sign."

Backlit awning. An awning with a translucent covering material and a source of illumination contained within its framework.

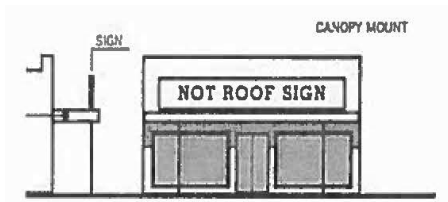
Banner. A flexible substrate on which copy or graphics may be displayed.

Banner sign. A sign utilizing a banner as its display surface.

Billboard. See "Off-premises sign" and "Outdoor advertising sign."

Building elevation. The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

Canopy (Attached). A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. See also "Marquee."



Canopy (Free-Standing). A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a free-standing canopy may be illuminated by means of internal or external sources of light.



Canopy sign. A sign affixed to the visible surface(s) of an attached or free-standing canopy.

Changeable sign. A sign with the capability of content change by means of manual or remote input, including signs which are:

1. *Electrically Activated.* Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface, provided that no blinking, flashing, fluttering, or change in its intensity of color occurs more often than one time every 4 seconds. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also "Electronic message sign or center."
2. *Manually Activated.* Changeable sign whose message copy or content can be changed manually, provided that no blinking, flashing, fluttering, or change its intensity of color occurs more often than one time every 4 seconds.

Combination sign. A sign that is supported partly by a pole(s) and partly by a building structure.

Commercial outdoor advertising sign. A permanent off-premises sign erected, maintained or used in the outdoor environment for the purpose of providing copy area for commercial or noncommercial messages.

Copy. Those letters, numerals, figures, symbols, logos video, and graphic elements comprising the content or message of a sign.

Development complex sign. A free-standing sign identifying a multiple-occupancy development, such as a shopping center or planned industrial park, which is controlled by a single owner or landlord.

Directional sign. Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

Double-faced sign. A sign with two faces, back to back.

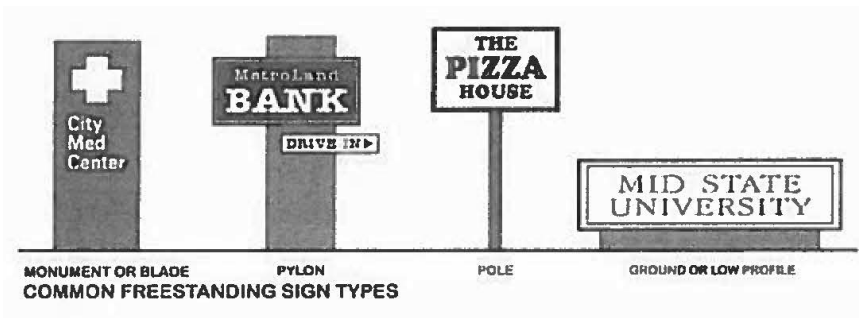
Electric sign. Any sign activated or illuminated by means of electrical energy.

Electronic message sign or center. An electrically activated changeable sign whose variable message capability can be electronically programmed.

Festoon decoration. A sign consisting of strings of exposed lights, balloons or strings of pennants hung overhead to draw attention to items on display or a particular business establishment.

Flashing sign. See "Animated sign, electrically activated."

Free-standing sign. A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in the ground.



Freeway sign. On-premises free-standing sign designed to be visible to the public while traveling on a limited access highway and to attract traffic to a premises located within one hundred feet of the location of the sign structure.

Frontage (building). The length of an exterior building wall or structure of a single premises orientated to the public way or other properties that it faces.

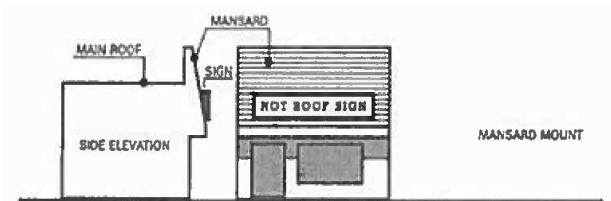
Frontage (property). The length of the property line(s) of any single premises along either a public way or other property on which it borders.

Ground sign. See "Free-standing sign."

Illuminated sign. A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

Interior sign. Any sign placed within a building, but not including "window signs" as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this article.

Mansard. An inclined decorative roof-like projection that is attached to an exterior building facade.



Marquee. See "Canopy (attached)."

Marquee sign. See "Canopy sign."

Menu board. A freestanding sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window.

Multiple-faced sign. A sign containing three or more faces.

Non-residential use. A land use other than single family dwelling, two family dwelling, multiply family dwelling, family care home, mobile home, or bed and breakfast.

Off-premises sign. See "Outdoor advertising sign."

On-premises sign. A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of the property on which it is displayed.

Outdoor Advertising Sign. A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

Parapet. The extension of a building facade above the line of the structural roof.

Pole sign. See "Free-standing sign."

Political sign. A temporary sign intended to advance a political statement, cause or candidate for office. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

Portable sign. Any sign not permanently attached to the ground or to a building or building surface.

Projecting sign. A sign other than a wall sign that is attached to or projects more than 18 inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.



Real estate sign. A temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

Revolving sign. A sign that revolves 360 degrees about an axis. See also, "Animated sign, mechanically activated."

Residential zoning districts. Those districts using the initials OC, RR, RA, RB, MH, and MF.

Roof sign, limited. A sign mounted on, and supported by, the roof of a building, below the actual height of the building as determined based upon the definition of "building height" found in Section 21.02.16 of this ordinance.

Sign. Any device that is visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags displayed from flagpoles or staffs will not be considered to be signs.

Sign area. Sign Area is the area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or "V" shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the sign.

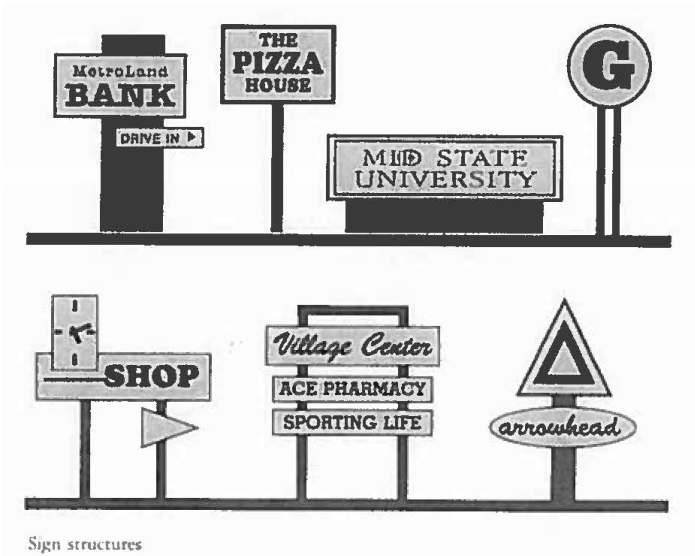
Sign copy. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

Sign face. The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

1. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
2. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.

3. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn close edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.
4. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

Sign structure. Any structure supporting a sign.



Temporary sign. A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is not permanently embedded in the ground, are considered temporary signs.

Under canopy sign or under marquee sign. A sign attached to the underside of a canopy or marquee.

V sign. Signs containing two faces of approximately equal size, erected upon common or separate structures, positioned in a "V" shape with an interior angle between faces of not more than 90 degrees with the distance between the sign faces not exceeding 5 feet at their closest point.

Wall or fascia sign. A sign that is painted or attached directly to the wall or other exterior surface of a building, or is directly visible through and attached to the inside or outside of a window of a building, and that does not project more than 18 inches from the exterior surface, with the face of the sign running on a parallel plane to the exterior surface of the building wall.

Window sign. A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

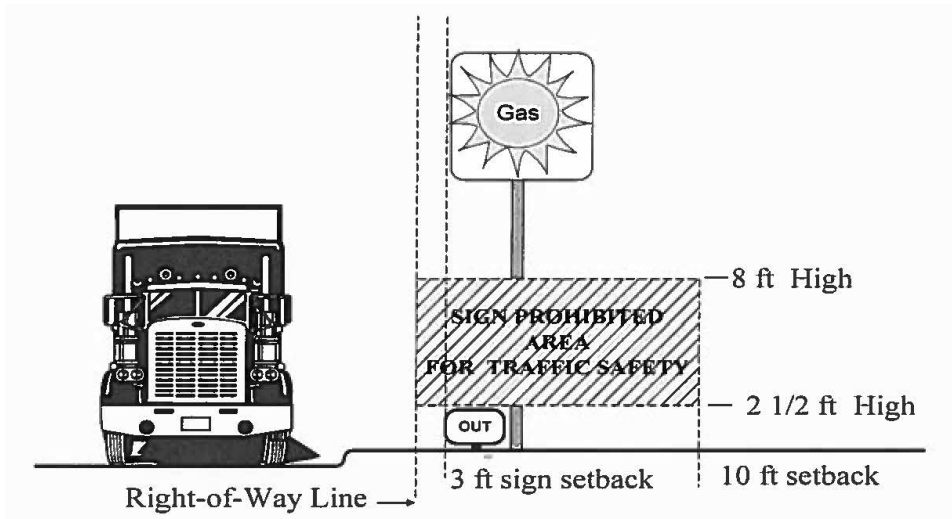
(Ord. No. 3-2018, § 1, 9-13-2018)

Section 8.03. - General provisions.

- a. *Conformance to codes.* Any sign hereafter erected shall conform to the provisions of this article and the provisions of the Michigan Building Code and of any other applicable ordinance or regulation within this jurisdiction. On premises, signs and sign structures are permitted in appropriate zoning districts in conjunction

with legally established land uses. Legal nonconforming uses are not authorized to increase the area of existing signs or to create new sign structures.

- b. *Signs in Right-of-Way.* No sign other than an official traffic sign shall be erected within 3 feet of the right-of-way lines of any street, or within any public way, unless specifically authorized by other ordinances or regulations of Emmett Charter Township.
- c. *Signs in Clear Vision Area.* No sign, temporary sign, or portable sign shall be placed or erected in an area between 2½ feet and 8 feet vertical and 3 feet and 10 feet horizontal as measure at the road right-of-way line and the elevation of the road at the centerline (see drawing below) as it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.



- d. *Traffic Visibility.* No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.
- e. *Computation of Frontage.* If premises contain walls facing more than one property line or encompasses property frontage bounded by more than one street or other property usages, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area(s) thus calculated shall be permitted to then be applied to permitted signs placed on each separate wall or property line frontage.
- f. *Maintenance, Repair, and Removal.* Every sign permitted by this ordinance shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the zoning administrator, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using same shall, upon written notice by the zoning administrator forthwith in the case of immediate danger, and in any case within not more than 10 days, make such sign conform to the provisions of this ordinance, or shall remove it.
- g. *Obsolete Sign Copy.* Any sign copy that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign copy covered or removed within 60 days after written notification from the zoning administrator.
- h. *Nonconforming Signs.* Any sign and/or sign structure legally existing at the time of the passage of this ordinance that does not conform in use, location, height or size regulations of this ordinance, shall be considered a legal nonconforming sign and shall be permitted to continue. Structural changes, enlargement, replacement, or

reestablishment of nonconforming signs or sign structures may only be authorized upon successful appeal by order of the Zoning Board of Appeals. A sign which is determined to be abandoned is no longer a nonconforming sign.

(Ord. No. 3-2018, § 1, 9-13-2018)

Section 8.04. - Exempt signs.

- a. *Exempt Signs.* The following signs shall be exempt from the provisions of this article. No sign shall be exempt from Section 10.05.
1. Official notices authorized by a court, public body or public safety official.
 2. Directional, warning or information signs authorized by federal, state, or municipal governments.
 3. Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
 4. The flag of a government or noncommercial institution, such as a school.
 5. Religious symbols, and seasonal decorations within the appropriate public holiday season, and temporary signs for special events posted for not more than 30 days prior to the event.
 6. Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
 7. Street address signs, combination nameplate, and street address signs that contain no advertising copy and which do not exceed 6-square feet in area.

(Ord. No. 3-2018, § 1, 9-13-2018)

Section 8.05. - Prohibited signs.

- a. *Prohibited Signs.* The following devices and locations shall be specifically prohibited:
1. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
 2. Except as provided for elsewhere in this article, signs encroaching upon or overhanging public right-of-way, including signs placed on utility poles, traffic control signs, structures or devices. A sign which is unlawfully placed within a public right-of-way may be removed and impounded by the zoning administrator or his authorized designees. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
 3. Signs which blink, flash, or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.
 4. Portable signs except as allowed for temporary signs.
 5. Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting all of the following conditions:
 - A. The primary purpose of such a vehicle or trailer is not the display of signs.
 - B. The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
 - C. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public

streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.

- D. The sign and/or vehicle are not illuminated.
 - E. The business has sufficient parking.
 - F. No portion of the vehicle encroaches on the road right-of-way.
 - G. The vehicle does not in any manner obstruct the view of vehicular traffic from any driveway, parking space or parking isle, nor create any obstruction or hazard to vehicular traffic movement on the site or in the vicinity.
6. Vehicles and trailers used primarily as static displays, advertising a product or service, or utilized as storage, shelter or distribution points for commercial products or services for the general public.
 7. Balloons, streamers, or pinwheels except those temporarily displayed as part of a special sale, promotion or community event. For the purposes of this subsection, "temporarily" means no more than 30 days in any calendar year.
 8. Signs in Clear Vision Area as described in Section 10.03.
 9. Temporary signs except as permitted in Sections 10.04 and 10.10.

(Ord. No. 3-2018, § 1, 9-13-2018)

Section 8.06. - Permit fees.

Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted by resolution of the Board of Trustees of the Charter Township of Emmett unless specifically exempted, a sign permit must be obtained from the zoning administrator for the erection, alteration, repair, or replacement of any sign located within the jurisdiction of the Charter Township of Emmett.

Changes to the sign copy which are achieved without changing the area or shape of the sign face, or the structural integrity of the sign or sign structure as determined by the zoning administrator are exempt from the requirement to obtain a sign permit. Exemptions from a sign permit, however, shall not be construed to relieve the owner of the sign from responsibility to adhere to all the applicable provisions of this article and/or the Michigan Building and Electrical Codes.

(Ord. No. 3-2018, § 1, 9-13-2018)

Section 8.07. - Specific sign requirements.

- a. *Changes to Signs.* No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, nor until the proper permit, if required, has been secured. The changing or maintenance of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.
- b. *Illumination.* The illuminance of the sign face by externally mounted light fixtures shall not exceed 100 foot-candles (lumens per square feet) as measured on the surface of the sign face. The luminance of internally illuminated signs shall be limited to a maximum of 2,000 nits (candela per square meter) as measured at the light source.

(Ord. No. 3-2018, § 1, 9-13-2018)

Section 8.08. - Identification signs.

Maximum Overall Area. Identification signs shall be in accordance with the following tables.

IDENTIFICATION SIGNS					
SIGN TYPE	LAND USE/ZONING DISTRICT				
	Single Family and Two Family Dwelling in any Zoning District	Multiple-Family Building in any Zoning District	Residential Development Complex in the OC, RR, RA, RB, MF, and MH Districts	Non-residential Uses in the RR, AB, RA, RB, and MF Districts	Commercial or Industrial Uses in the LC, GC, RC, LI, and IP Districts
Wall Sign	1 Sign, maximum 2 square feet for each dwelling unit	1 Sign, maximum 8 square feet for each building		Per Table A	Per Table A
Free Standing Sign	Not Permitted	Not Permitted	2 Signs, maximum 24 square feet for each entrance *	1 Sign, maximum 40 square feet	Per Table B

* For subdivision or apartment identification signs placed on a decorative entry wall approved by the zoning administrator, two identification signs shall be permitted to be placed at each entrance to the subdivision or apartment complex, one on each side of the driveway or entry drive.

- a. *Maximum Overall Area: Wall Signs.* Every residential complex, commercial or industrial building, and every separate non-residential building in a residential zone may display wall signs per street frontage subject to the limiting standards set forth in Table A. Limitations on the area of wall signs include window signs and limited roof signs, marquee signs, awning signs, canopy, and under canopy signs. Temporary placards and banners are excluded, only when issued temporary sign permits. (See definitions and additional requirements for specific sign types below.)

TABLE A WALL SIGNS

DISTANCE OF SIGN FROM ROAD RIGHT-OF-WAY LINE OR ADJACENT COMMERCIAL OR INDUSTRIAL ZONED LOT LINE	PERCENT OF BUILDING ELEVATION AREA PERMITTED FOR SIGN AREA ON THE SAME WALL
3 TO 100 FEET	10%
101 TO 300 FEET	15%
OVER 300 FEET	20%

b. *Maximum Overall Area and Height: Free-Standing Signs.* In addition to any allowable wall type signs, every residential complex, commercial or industrial building, and every separate non-residential building in a residential zone shall be permitted to display a (1) free-standing sign per street frontage subject to the limiting standards set forth in Table B. Limitations on the area of free standing signs include combination signs, projecting signs and revolving signs. Temporary placards and banners are excluded, and are permitted only when issued temporary sign permits. (See additional requirements for specific sign types below c.—h.)

TABLE B FREE STANDING SIGNS		
BUILDING WIDTH AT STREET FRONTAGE ¹ □	MAXIMUM DISPLAY AREA PER STREET FRONTAGE ² [3] □	MAXIMUM HEIGHT
LESS THAN 20 FEET	NOT PERMITTED	0 FEET
20-49 FEET	32 SQUARE FEET	20 FEET
50-79 FEET	75 SQUARE FEET	20 FEET
80-109 FEET	110 SQUARE FEET	20 FEET
110-139 FEET	140 SQUARE FEET	30 FEET
140-149 FEET	150 SQUARE FEET	30 FEET
150-174 FEET	175 SQUARE FEET	30 FEET
175-199 FEET	200 SQUARE FEET	30 FEET
200-299 FEET	200 SQUARE FEET	35 FEET

300 AND GREATER	200 SQUARE FEET	40 FEET
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(See Footnotes.)

c. *Canopy and Marquee Signs.*

1. The permanently affixed copy area of canopy or marquee signs shall not exceed an area equal to 25 percent of the face area of the canopy, marquee, or architectural projection upon which such sign is affixed or applied.
2. Graphic striping, patterns, or color bands on the face of a building, canopy, marquee or architectural projection shall not be included in the computation of sign copy area.

d. *Awning Signs.*

1. The copy area of awning signs shall not exceed an area equal to 25 percent of the background area of the awning or awning surface to which such a sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less.
2. Neither the background color of an awning, nor any graphic treatment or embellishment thereto such as striping, patterns, or valances, shall be included in the computation of sign copy area.

e. *Projecting Signs.*

1. Projecting signs shall be permitted in lieu of freestanding signage on any street frontage limited to one sign per occupancy along any street frontage with public entrance to such an occupancy, and shall be limited in height to 16 feet; and to an area of 1 square foot per each lineal feet of building frontage, except that no individuals sign shall exceed an area of 24 square feet.
2. No such sign shall extend vertically above the building height as defined in this Ordinance.
3. Such signs shall not extend over a sidewalk in excess of 67 percent of the width of the sidewalk.
4. Such signs shall maintain a clear vertical distance above any sidewalk a minimum of 12 feet.

f. *Under Canopy Signs.*

1. Under canopy signs shall be limited to no more than one such sign per public entrance to any occupancy, and shall be limited to an area not to exceed 8 square feet.
2. Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of 12 feet.

g. *Roof Signs.* Roof signs as defined in this Article are permitted as a type of wall sign in commercial and industrial zoning districts, subject to the following limitations:

1. Such signs shall be limited in height to the distance below the building height as defined in this ordinance.
2. The sign area for roof signs shall be assessed against the aggregate permitted area for wall signs on the elevation of the building most closely parallel to the face of the sign.

h. *Animated and Changeable Sign Faces.* Animated and Changeable Sign Faces, except as prohibited by [Section 10.05](#), are permitted in the commercial and industrial zoning districts, and for churches, schools, community, or public buildings in residential districts, provided the sign operates at all times in manner consistent with

definitions in this Article.

(Ord. No. 3-2018, § 1, 9-13-2018)

Footnotes:

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Building width is measured along the architectural elevation of the building that is most closely parallel to the street.

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For shopping centers or planned industrial parks, two monument-style free-standing signs not exceeding 50 percent each of the permitted height and area, and spaced not closer than 100 feet to any other free-standing identification sign, shall be permitted to be allowed in lieu of any free-standing sign otherwise permitted.

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For any commercial or industrial development complex exceeding 1,000,000 square feet of gross leasable area, or 40 acres in size, such as regional shopping centers, auto malls or planned industrial parks, one free-standing sign per street front shall be permitted to be increased the maximum sign area by up to 50 percent.

Section 8.09. - Non-identification signs.

The following type of signs are not considered in the maximum size calculations applicable to identification signs:

- a. *Directional Signs.* No more than two directional signs shall be permitted per street entrance to any residential development complex, non-residential use in a residential district and in the commercial or industrial use in a commercial or industrial zoning district, but not to exceed 2½ feet in height. There is no limit to the number of directional signs providing directional information within the interior of parking lots. In residential zoning districts, the maximum area for directional signs shall be 6 square feet. For all other zoning districts, the maximum area for any directional sign visible from adjacent property or rights-of-way shall be 8 square feet. Not more than 25 percent of the area of any directional sign shall be devoted to business identification or logo, which area shall not be included in the total allowed area for identification sign area.
- b. *Menu Boards.* Menu board signs shall not be permitted to exceed 50 square feet and no more than 20 percent of the total area for such a sign utilized for business identification.

(Ord. No. 3-2018, § 1, 9-13-2018)

Section 8.10. - Temporary signs.

- a. *Real Estate Signs.* Real estate signs shall be permitted in all zoning districts provided the signs are removed not later than 10 days after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase; subject to the following limitations:

REAL ESTATE SIGNS	TYPE OF LAND USE

	Single Family Dwelling in any Zoning District	Multiple Family Building in any Zoning District	Residential Development Complex in RR, RA, RB, MF, and MH Districts	Non-Residential Uses in AB, RR, RA, RB, MF, and OC Districts	Commercial Uses in the LC District	Commercial or Industrial Uses in the GC, RC, LI, and IP Districts
Building for Sale Sign(s)	Maximum 18 square feet and 6 feet high	One per entrance maximum 64 square feet and 8 feet high	One per building maximum 48 square feet and 9 feet high	Total maximum 32 square feet and 6 feet high	One sign per street, front maximum 48 square feet and 12 high	
Lots and Vacant Land for Sale Sign(s)	Maximum 18 square feet and 6 feet high	One per entrance, maximum 64 square feet and 8 feet high	One per building, maximum 48 square feet and 9 feet high	Total maximum 32 square feet and 6 feet high	One sign per street, front maximum 64 square feet and 12 feet high	

b. *Development and Construction Signs.* Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, bankers, the nature of the project or anticipated completion dates, provided construction signs may not be displayed until after the issuance of construction permits by the building official, and must be removed not later than 2 days following issuance of an occupancy permit for any or all portions or the project; and shall be permitted in all zoning districts, subject to the following limitations:

DEVELOPMENT AND CONSTRUCTION SIGNS	TYPE OF LAND USE					
	Single Family Dwelling in any Zoning District	Multiple Family Building in any Zoning District	Residential Development Complex in RR, RA, RB, MF, and MH Districts	Non-Residential Uses in AB, RR, RA, RB, MF, and OC Districts	Commercial uses in the LC District	Commercial or Industrial Uses in the GC, RC, LI, and IP Districts

Free Standing Sign(s)	Total maximum 12 square feet and 5 feet high	Total maximum 32 square feet and 8 feet high	Total maximum 48 square feet and 7 feet high	Total maximum 32 square feet and 6 feet high	Total maximum 64 square feet and 7 feet high
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c. *Special Promotion, Event, and Grand Opening Signs.* Signs temporarily displayed to advertise special promotions, events and/or grand openings, including but not limited to, house parties, auctions and estate sales, shall be permitted in all zoning districts for no more than 30 days in any 3-month period, but not more than 60 days in a calendar year, beginning not more than 1 week prior to the event or opening and removed not more than 2 days after the ending of the event or opening, subject to the following limitations.

SIGN PURPOSE	TYPE OF LAND USE					
	Single Family Dwelling in any Zoning District	Multiple Family Building in any Zoning District	Residential Development Complex in RR, RA, RB, MF, and MH Districts	Non-Residential Uses in AB, RR, RA, RB, MF, and OC Districts	Commercial uses in the LC District	Commercial or Industrial Uses in the GC, RC, LI, and IP Districts
Special Events and Openings	Maximum 18 square feet and 6 feet high	One per entrance maximum 32 square feet and 8 feet high	One sign per street with a total area not to exceed 48 SF and 10 feet high, along with no more than 100 linear feet of festoon decoration			

- d. *Portable signs.* Portable signs shall be permitted only in the Commercial and Industrial zoning districts, as designated in this article, subject to the following limitations:
1. Such signs shall be displayed not more than 30 consecutive days in any 3-month period, and not more than 60-days in a calendar year.
 2. Any electrical portable signs shall comply with the ICC Electrical Code, as adopted. No portable sign shall be displayed prior to obtaining a sign permit.
 3. Trailers with message boards and trailers used as signs shall be treated as portable signs, and may not be installed as permanent signage.

4. Portable signs shall be subject to the same restrictions on distance from the right-of-way applicable to permanent signs.
 5. No more than one such sign may be displayed on any property, which shall not exceed a height of 5 feet or an area of 32 square feet.
- e. *Political signs.* Political signs shall be permitted in all zoning districts, subject to the following limitations:
1. Such signs shall not exceed a height of 6 feet or an area of 32 square feet.
 2. Such signs for election candidates or ballot propositions shall be displayed only for a period of 91 days preceding the election and shall be removed within 10 days after the election, provided that signs promoting successful candidates or ballot propositions in a primary election may remain displayed until not more than 10 days after the general election.
 3. Such signs shall not be placed in any public right-of-way obstructing traffic visibility.

(Ord. No. 3-2018, § 1, 9-13-2018)

Section 8.11. - Freeway signs.

When a lot with a property line is within 200 feet of a freeway or freeway access ramp and located within a commercial or industrial zoning district one (1) additional on-premises freestanding sign is permitted subject to the following limitations:

Sign structure must be within 100 feet of closest wall of the premises being served by the sign.

- a. *Maximum Sign Area.* 150 square feet.
- b. *Maximum Height.* 80 feet.
- c. *Minimum Distance from Property Line.* ¼ of height with a minimum of 10 feet.
- d. *Orientation.* Sign faces shall be oriented to attract vehicular traffic from freeway.

(Ord. No. 3-2018, § 1, 9-13-2018)

Section 8.12. - Off-premises billboards.

Billboards shall be located so as to be visible to persons traveling on Interstate Highways, State Primary Highways or designated business loops and shall conform to the regulations and provisions under Act 106 of the Public Acts of Michigan of 1972, as amended, unless such billboard is prohibited by the provisions of this Ordinance. Billboards are prohibited in all districts except commercial and industrial. All billboards located in commercial and industrial districts shall conform to the following requirements:

- a. No billboard shall be located within three hundred (300) feet of any residence or residential zone.
- b. Where two (2) or more billboards are along the frontage of a single street or highway, they shall not be less than one thousand (1,000) feet apart. A double face, (back to back) structure shall be considered a single sign. No V-type signs shall be allowed where the face of each side of the sign can be seen from one location. Billboards shall not be located less than five hundred (500) feet from any on-premises free-standing sign approved or installed in order to minimize conflict between signs.
- c. The total surface area of a billboard, facing in one direction, viewable from State Primary Highways or designated business loop shall not exceed two-hundred (200) square feet and the maximum height shall not exceed thirty (30) feet above the grade of the ground providing support for the sign. The total surface area of

any billboard, facing in one direction, viewable from and Interstate Highway shall not exceed six hundred seventy-two (672) square feet and the maximum height shall not exceed forty (40) feet above the grade of the highway (amended December 2005).

- d. No billboard shall be erected on the roof of any building, nor have one sign above another sign.
- e. Billboards may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.
- f. Billboards shall be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and so their use will not change the essential character of the same area.

(Ord. No. 3-2018, § 1, 9-13-2018)

ARTICLE 9. - PARKING AND LOADING REQUIREMENTS

Section 9.01. - General parking requirements and application of regulations.

- a. No building or structure shall be erected, enlarged, altered or moved, nor shall any use of any building or structure or land be established, enlarged, altered or increased in any manner unless compliance is made with the requirements for off-street parking and loading and unloading as specified in article 9.
- b. No parking area or parking space which exists at the time this ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this ordinance, unless an additional parking area or space is provided sufficient for the purpose of complying with the provisions of this ordinance and the distance requirements as specified in section 9.01.d.
- c. Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the zoning administrator for review at the time of application for a building permit.
- d. Except as hereafter provided, all off-street parking facilities shall be located on the same lot as the principal building to be served by such parking facilities:
 1. Off-street parking facilities for single-family and two-family dwellings may be provided on a separate lot so long as the distance from the parking facility to the single-family or two family-dwelling shall not exceed 150 feet.
 2. In all other cases in which off-street parking facilities are required by this ordinance, such facilities may be provided on a separate lot so long as the distance from such facilities to the principal building which is to be served by such facilities does not exceed 300 feet.

Section 9.02. - Off-street parking requirements—"AB," "RR" and "OC" districts.

In "AB", "RR" and "OC" districts the use or occupancy of buildings, structures or lands is prohibited unless the following requirements are met and maintained:

- a. Off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of material which have a dust-free surface resistant to erosion.
- b. Off-street parking spaces shall not be closer than five feet to any property line, except where a wall, fence or compact planting strip exists as a parking barrier along the property line.
- c. Parking spaces for all types of vehicles and equipment may be provided either in garages, parking areas or driveways. The outdoor parking or storage of not more than two (2) of the following (in total) is permitted, provided that such vehicles and/or watercraft are located completely within the side and rear yards: customary recreational vehicles, customary camping vehicles, and customary watercraft.
- d. Outdoor storage or overnight parking of a commercial vehicle over one ton capacity shall be permitted if such vehicle is necessary to the function of the premises and provided such vehicles(s) shall be parked entirely within a side or rear yard or enclosed within a structure.

Section 9.03. - Same—"RA" and "RB" districts.

In "RA" and "RB" districts the use or occupancy of buildings, structures or land is prohibited unless the following requirements are met and maintained:

- a. Parking of motor vehicles shall be limited to passenger vehicles, one non-residential type recreational vehicle per dwelling unit, and not more than one commercial vehicle of the light delivery type, not to exceed one ton, shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, or bus, except for those parked on school or church property, is prohibited in a residential zone. Parking spaces for all types of uses may be provided either in garages or driveways, provided the clear vision corner areas as set forth in section 6.09 are not obstructed.
- b. Off-street parking spaces shall not be closer than five feet to any property line, except where a wall, fence or compact planting strip exists as a parking barrier along the property line.

Off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.

TABLE 9.03			
NUMBER OF VEHICLES PERMITTED TO BE PARKED OR STORED OUTDOORS PER DWELLING UNIT			
		Maximum number of vehicles permitted	
Lot Area		Less than 43,560 sq. ft.	43,560 sq. ft. or greater
VEHICLE TYPE	Passenger Vehicles	No Limit	No Limit
	Customary recreational vehicle (RV), customary camping vehicle (CV), or customary watercraft (WC) in driveway or parking area if approved per § b. above	1	2

	RV, CV, or WC in an approved rear yard location with screening per § b. above	1	1
	Light commercial vehicle	1	1

Section 9.04. - Same—"MH" and "MF" districts.

The use and occupancy of buildings, structures and lands in the "MH" and "MF" districts is prohibited unless the following requirements are met and maintained:

- a. All private drives and parking areas shall be paved.
- b. All private drives shall have a minimum width of 22 feet and each parking space shall not be less than 8½ feet in width nor less than 18 feet in length.
- c. At least two parking spaces shall be provided for each dwelling unit.
- d. No private drive cul-de-sac shall be more than 300 feet in length nor shall have a turning diameter of less than 75 feet at the terminus thereof.
- e. The parking spaces provided for each dwelling unit shall be located no further than 125 feet therefrom.

Section 9.05. - Design requirements of off-street parking areas in commercial and industrial districts.

In all commercial and industrial districts, the use and occupancy of buildings, structures and land is prohibited unless the following requirements are met and maintained:

- a. Each off-street parking space for automobiles shall not be less than 180 square feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisle shall be:
 - 1. For 90-degree parking of perpendicular parking, the aisle shall not be less than 22 feet in width.
 - 2. For 60-degree parking, the aisle shall not be less than 18 feet in width.
 - 3. For 45-degree parking, the aisle shall not be less than 13 feet in width.
 - 4. For parallel parking, the aisle shall not be less than ten feet in width.
- b. Off-street parking facilities required for churches may be reduced by 50 percent where churches are located in non-residential districts and within 300 feet of usable public or private off-street parking areas. Off-street parking facilities for trucks at restaurants, service stations and other similar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten feet in width and 55 feet in length.
- c. Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements:

1. Off-street drives and parking spaces shall not be closer than five feet to any property line, except where a compact parking strip exists as a parking barrier along the property line.
 2. Off-street parking areas shall be paved and drained so as to prevent drainage onto the abutting properties.
 3. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining premises and streets.
 4. Any off-street parking area providing spaces for five or more vehicles shall be effectively lighted and screened on any side which adjoins or faces property adjoining a residential lot or institution by a wall, fence or compact planting not less than four feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
 5. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to [an] off-street parking area of one- or two-family dwellings.
 6. Combined parking facilities are allowed where two or more uses occur on one property or when a building(s) on one property contains two or more uses, provided that the permanent allocation of the required number of parking spaces shall be the sum of the requirements for the various uses and computed in accordance with this ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.
- d. Any sign intended to advertise parking or loading facilities shall be constructed in accordance with the regulations specified in article 8.
 - e. A business involving the repair, service, sale or display of vehicles is prohibited in areas used for parking or loading.
 - f. All drives and parking areas in commercial zoning shall be paved.

Section 9.06. - Off-street parking space requirements.

- a. For the purpose of determining off-street parking requirements in accordance with the provisions of this section, the following definitions shall apply:
 1. *Floor area.* In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for incidental service storage installation of mechanical equipment, penthouses, housing ventilators and heating systems and similar uses.
 2. *Places of assembly.* In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, each 18 inches of such seating facilities shall be counted as one seat. In cases where a place of assembly has both fixed seats and open assembly areas, requirements shall be computed separately for each type and added together.
 3. *Fractions.* When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction shall require one parking space.
- b. In the applicable districts, unless otherwise specifically provided, no building, structure or land shall be used or occupied unless the following off-street parking requirements are met and maintained:

Use	Parking space requirements
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Automobile or machinery sales service garages	One space for each 100 square feet of showroom floor area plus six spaces for each service bay plus one space for each two employees on the maximum shift and one space for each used car display area.
Banks, business and professional offices	Two parking spaces for each 200 square feet of floor area plus one parking space for each employee working within the building.
Barber shops and beauty parlors	Three spaces for each chair plus one space for each employee.
Boarding and lodging houses Fraternities	Two parking spaces for each three beds.
Bowling alleys	Eight spaces for each alley plus one space for each employee per shift.
Churches, auditoriums, stadiums, sports arenas, theaters, dance halls, assembly halls other than schools	One space for each four seats, or for each four persons permitted in such edifice as stated by the fire marshal.
Clinics	Four spaces for each doctor plus one space for each employee per shift.
Convalescent home, orphanage, or similar use	One parking space for each four beds plus one space for each two employees, including nurses, per shift and one for staff doctor.
Drive-in banks, cleaners and similar businesses	Storage space for five cars between the sidewalk area and the service window and one parking space for each two employees and one space for each 200 square feet.
Drive-in or drive-through eating establishments	Ten parking spaces, plus one parking space for each 50 square feet of floor area.
Dwellings (single-family and two-family)	Two parking spaces for each family dwelling unit.
Dwellings (multiple family)	Two parking spaces for each family unit.

Funeral homes and mortuaries	Four spaces for each slumber room or one space for each 50 square feet of floor area, whichever is greater, plus one space for each fleet vehicle.
Furniture, appliance stores, household equipment and furniture repair shops	One space for each 400 square feet of floor space.
Gasoline service station	Three parking spaces plus two for each repair and service stall, plus one space for each employee per shift.
General office building	One parking space for each 400 square feet of gross floor area excluding auto parking within or on the building, plus one parking space per two employees per shift.
Hospitals	One space for each bed plus one space for each two employees and one space for staff M.D.
Hotels, motels, lodging houses, tourist and boarding homes	One space for each living unit plus one space for each two employees per shift.
Libraries, museums, post offices	One parking space for each 800 square feet of floor space plus one parking space for each two employees per shift.
Livestock auction	Two square feet of parking area for each one square foot of buildings, pens and all enclosed area on the premises of the auction facility.
Manufacturing, fabricating, processing and bottling plants, research and testing laboratories	One space for each employee per shift plus two spaces for each purchasing agent and ten visitor spaces.
Restaurants, beer parlors, taverns, night clubs and clubs	One parking space for each four patron seats, plus one parking space for each two employees per shift.

Retail stores, except as otherwise specified herein	One parking space for each 150 square feet of floor area excluding auto parking space within or on the building.
Roadside stands	Two parking spaces for each 25 square feet of floor area.
Schools, private or public elementary and junior high schools	One space for each employee normally engaged in or about the building or grounds plus one space for each 30 students enrolled.
Senior high school and institution of higher learning, private or public	One parking space for each employee (including teachers and administrators) plus one for each ten students in addition to the requirements of the auditorium.
Self-service laundry or dry cleaning stores	One space for each two washing and/or dry cleaning machines.
Supermarket, self-service	Two spaces for each 200 square feet of floor area plus one space for each two employees per shift.
Wholesale establishments and warehouses	One space for each 400 square feet of floor area plus one space for each two employees.

- c. Where a use is not specifically mentioned in sub-paragraph b. of section 9.06, the requirements of a similar or related use shall apply as determined by the zoning administrator, or in his absence, the building inspector.

Section 9.07. - Off-street loading and unloading requirements.

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

- a. Plans and specifications showing required loading and unloading spaces, including the means of ingress and egress and interior circulation, shall be submitted to the zoning administrator, or in his absence, the building inspector for review at the time of application for a building permit for the erection or enlargement of a use or a building or structure.
- b. Each off-street loading-unloading space shall not be less than the following:
 1. In a residential district, a loading-unloading space shall not be less than ten feet in width and 25 feet in

length and if a roofed space, not less than 14 feet in height.

2. In any commercial or industrial district, a loading-unloading space shall not be less than ten feet in width and 65 feet in length and if a roofed space, not less than 15 feet in height.
- c. Subject to the limitation of the next paragraph, a loading-unloading space may occupy all or any part of any required side or rear yard; except the side yard along a side street in the case of a corner lot. In no event shall any part of a required front yard be occupied by such loading space.
- d. Any loading-unloading space shall not be closer than 50 feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence or compact planting not less than six feet in height.
- e. In the case of mixed uses on one lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.
- f. All off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited.
- g. Off-street loading-unloading requirements for multiple-family dwellings, hotels, hospitals, mortuaries, public assembly, offices, retail, wholesale, industrial or other uses similarly involving the receipt or distribution by vehicle, the uses having over 5,000 square feet of gross floor area shall be provided with at least one off-street loading-unloading space, and for every additional 20,000 square feet of gross floor space, or fraction thereof, one additional loading-unloading space, the size of such loading-unloading space subject to the provisions of this ordinance.
- h. Where a use is not specifically mentioned, the requirements of a similar or related use shall apply, as determined by the zoning administrator, or in his absence, the building inspector.

ARTICLE 10. - CONDITIONAL USES

Section 10.01. - Purpose.

The formulation and enactment of this zoning ordinance is based upon the division of the township into districts, each of which is permitted specified uses which is mutually compatible. In addition to such permitted compatible uses, however, it is recognized that there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the township. Such uses, on account of their peculiar location, need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

Where uses are not specifically listed within any district yet are consistent with a specific use generally defined within the zoning ordinance, the zoning administrator may process the request for such use as a conditional use within the district in which the generally defined use is listed. The zoning administrator may also request such interpretation from the zoning board of appeals if the applicant does not agree with such determination. The approval of such use shall be subject to the general standards for all conditional use and any specific conditions imposed for that generally defined use or as needed to bring compatibility between the proposed use and surrounding land use and zoning.

Section 10.02. - Authority to grant permits.

The township planning commission shall have the authority to grant conditional use permits, subject to such conditions as may be required by the township planning commission in accordance with the requirements and limitations applicable to such conditional use as are specified in this ordinance.

Section 10.03. - Application and fee.

Application for any conditional use permit permissible under the provisions of this ordinance shall be submitted to the township zoning administrator by filling in the official conditional use permit application form, submitting required data, exhibits and information and depositing a fee in accordance with the requirements of section 2.08. Upon receipt of the application and fee, the zoning administrator shall refer the application to the township planning commission for review and action by the township planning commission in accordance with the provisions of this ordinance. Approvals of fire and police and environmental impact agencies may be required in appropriate circumstances.

Section 10.04. - Data, exhibits and information required in application.

An application for a conditional use permit shall be accompanied by an accurate survey drawing of said property or a preliminary site plan showing the existing and proposed location of all buildings and structures thereon, and types thereof, and their uses and a development plan with supporting data, exhibits, information and evidence regarding the required findings set forth in this ordinance. In addition, the applicant shall submit a landscape plan showing the existing and proposed location of all plant materials and the types thereof. The applicant may choose to submit a full site plan, if required for the specific use, simultaneously with the conditional use application, with that process subject to requirements established under article 2A.

Section 10.05. - Posting of property and public hearing.

Upon receipt of the application and supporting material as required by this ordinance, the township planning commission shall provide notice of the request for conditional use as specified herein. The notice shall indicate that a public hearing on the conditional land use request may be requested by any property owner or the occupant of any structure located within 300 feet of the property being considered for a conditional land use regardless of whether the property or occupant is located in the township.

The notice shall also be published in a newspaper of general circulation in the township at least one time and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the property in question, and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the township. The notice shall be given not less than 15 days before the date the date of the hearing. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure, who shall be required to post the notice at the primary entrance to the structure. The notice shall:

- a. Describe the nature of the conditional land use request.
- b. Indicate the property which is the subject of the conditional land use request. The notice shall include a

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

- c. State when and where the conditional land use request will be considered.
- d. Indicate when and where written comments will be received concerning the request.
- e. Indicate that a public hearing on the special land use request may be requested by any property owner or the occupant of any structure located within 300 feet of the property being considered for a conditional use regardless of whether the property or occupant is located in the zoning district.

At the initiative of the planning commission or upon the request of the applicant, a real property owner whose real property is assessed within 300 feet of the property, or the occupant of a structure located within 300 feet of the property, a public hearing shall be held before a discretionary decision is made on the conditional land use request.

Section 10.06. - Findings by the township planning commission.

The township planning commission may deny, approve, or approve with conditions a request for conditional land use approval. The decision on a conditional land use shall be incorporated in a statement of findings and conclusions relative to the conditional land use which specifies the basis for the decision and any conditions imposed.

Section 10.07. - General standards for all conditional use permits.

A conditional use permit shall be approved if the request is in compliance with the standards stated below, together with other conditions as may exist under this zoning ordinance, other applicable ordinances, and state and federal statutes:

- a. The land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use.
- b. The land use or activity shall be consistent with the public health, safety and welfare of the township.
- c. The parcel will, according to the plans and specifications, data, exhibits and information supplied to the planning commission by the applicant, meet the specific requirements and regulations as set forth in this ordinance applicable to said conditional use in the zoning district in which said use is to be located.
- d. The property will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures and refuse disposal, water, sanitary and storm sewers, electric and other power so as to provide heat and light, or that the persons who will own or operate the property shall be able to adequately provide any such service on a nonpublic basis. In this regard, the plans and specifications for all public, industrial and commercial buildings for which a conditional use permit has been applied may be submitted by the township planning commission, to the township police and fire department and to the Calhoun County Health Department with a request for a written determination that the building will comply with applicable township, state and federal laws, ordinances and regulations applicable thereto.
- e. The parcel will not be hazardous or disturbing to existing or future neighborhood uses.
- f. The property will not create excessive additional requirements at public cost for public facilities and services.
- g. The property will be harmonious with and in accordance with the general objectives or with any specific objectives of the township master plan then in effect.
- h. The property will be designed, constructed, operated and maintained so as to be harmonious and

appropriate in appearance with the existing or intended character of the general vicinity and that such conditional use will not change the essential character of the general vicinity.

- i. The property will be a substantial improvement to the property in the immediate vicinity and to the community as a whole.
- j. The property will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive traffic, noise, smoke, fumes, glare or odors.

Section 10.08. - Compliance bond.

In issuing a conditional use permit, the township may require a cash deposit, irrevocable letter of credit, certified check, or surety bond acceptable to the township to be furnished by the owner to ensure compliance with the provisions of this ordinance applicable thereto and with the specific terms, conditions or limitations of the conditional use permit issued by the township board. The amount of said bond shall be determined by the township board. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The township may not require the deposit of the performance guarantee until it is prepared to issue the permit. The township shall establish procedures by which a rebate of any cash deposit in reasonable proportion to the ratio of work completed on the required improvements shall be made as work progresses.

Section 10.09. - Conditions, limitations, requirements and safeguards.

The township planning commission may impose reasonable conditions with the conditional use approval to ensure that public services and facilities affected by the proposed land use or activity will be capable of accommodating the increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. The conditions imposed shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the planning commission and the landowner. Conditions imposed shall meet all of the following requirements:

- a. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- b. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- c. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in this ordinance for the land use activity under consideration, and be necessary to ensure compliance with those standards.
- d. Should the planning commission and landowner agree to changes in any conditions, the planning commission shall maintain a record of conditions which are changed.

Section 10.10. - Continued validity of permit; revocation.

- a. The issuance of a conditional use permit by the township board shall entitle the owner to continue to operate the conditional use so long as he remains in compliance with the terms and conditions of this ordinance and the terms, conditions, limitations, requirements and safeguards set forth in the conditional use permit, if such a

conditional use permit is granted, does expressly grant to the township, for the enforcement of this ordinance, the power and authority to enter upon the premises at any reasonable time for the purpose of inspection and enforcement of the terms of this ordinance or of the terms of the conditional use permit.

- b. In the event the owner or occupant of the property for which a conditional use permit has been issued, shall violate any provision of this ordinance or any term, condition, limitation, regulation or safeguard contained in the conditional use permit, the conditional use permit shall be and become null and void and the owner or occupant shall be deemed to be in violation of this ordinance and the township may proceed to enforce the provisions in this ordinance and the terms, conditions, limitations, and safeguards of the conditional use permit as provided in this ordinance. In addition to all other remedies provided herein, in the event that such conditional use permit shall be and become null and void, the compliance bond, if any, given by the owner under the provisions of this ordinance shall be forfeited.
- c. In the event the owner or occupant of the property for which a conditional use permit has been issued, shall cease to use the land for the use the permit has been granted for a period of 90 consecutive days or more, or shall cease to use the building(s) for the use the permit has been granted for a period of six consecutive months or more, a revocation hearing shall be scheduled.
1. *Revocation hearing under section 10.10.c.* The zoning administrator shall notify the owner or occupant of the property by certified letter or personal service of the intent of the township to revoke a conditional use permit. Service shall be made at least ten days prior to the hearing. The planning commission shall accept oral or written testimony from any interested party. If it is the determination of the planning commission that the permit be revoked, a recommendation shall be made to the township board.
 2. *Township board action under section 10.10.c.1.* The township board shall review the recommendation of the planning commission and, if satisfied that the conditional use has been discontinued for the period referred to, may revoke the conditional use permit.

Section 10.10A. - Specific conditions and requirements—Conditional uses.

In addition to the general standards outlined under Section 10.07 for all conditional uses, some conditional uses shall also be subject to specific conditions for approval. In addition to those listed, the Planning Commission and/or the Township Board may impose further conditions based upon concerns related to the compatibility of the conditional use in relation to surrounding land uses and zoning districts. The following uses are listed with their associated zoning districts and sections:

Conditional Use	District(s)	Section
Open storage/junk yard/auto wrecking yard	LI, IP	<u>10.11</u>
Residential care facilities		
Group child care (See def. 90.b.)	RB, MF	<u>10.12</u>
Limited res. care (See def. 90.c.)	MF, LC	<u>10.12</u>

Full res. care	GC	<u>10.12</u>
Places of amuse./commercial recreation	GC, RC	<u>10.13</u>
Gasoline service station	LC, GC, LI	<u>10.14</u>
Medical/dental/animal clinic	LC, GC	<u>10.15</u>
Mining and extraction	AB, IP	<u>10.16</u>
Campgrounds, pvt. recreation	OC	<u>10.17</u>
Essential services/buildings	RR, RA, RB, MF	<u>10.18</u>
Planned unit development		
Residential only	RR, RA, RB, MH, MF	<u>10.19</u>
Mixed use	MF, LC	<u>10.19</u>
Planned shopping/plazas	GC	<u>10.20</u>
Churches/community buildings	RR, RA, RB	<u>10.21</u>
Golf course/driving range	OC, RA, MH	<u>10.22</u>
Group housing	MF	<u>10.23</u>
Agri-business	AB	<u>10.24</u>
New and used vehicle sales	GC	<u>10.25</u>
Mini-storage warehouse	GC	<u>10.26</u>
Telecommunication towers	RR, GC, RC, LI, IP	<u>10.27</u>
Commercial kennel	AB, RR	<u>10.28</u>
Private airport	AB	<u>10.29</u>
Home occupation	AB, RR, RA, RB	<u>10.30</u>

Roadside stand	AB, RR	<u>10.31</u>
High-density animal feeding	AB	<u>10.32</u>
Schools	RA, RB	<u>10.33</u>
Single-family/two-family dwellings	OC, RB, LC, GC, LI	<u>10.34</u>
Office uses	MF, LI	<u>10.35</u>
Drive-in/drive-through establishments	LC, RC, LI	<u>10.36</u>
Liquor-related stores and restaurants	LC	<u>10.37</u>
Temporary buildings/trailer offices	GC, LI	<u>10.38</u>
Funeral parlor	GC	<u>10.39</u>
Open-air business/display/flea markets	GC, LI	<u>10.40</u>
Wholesale service business	GC	<u>10.41</u>
Parking garages/truck storage	GC, LI	<u>10.42</u>
Dry cleaning and laundry facilities	GC	<u>10.43</u>
Agricultural sales, service and repair	GC	10.44
Frozen food lockers	GC	10.45
Convention ctr., concert hall/theater	RC	10.46
Transportation terminal/related	LI	10.47
Contractor's establishment	LI	<u>10.48</u>

Adult entertainment	LI	<u>10.49</u>
Equestrian facilities including indoor arenas	AB	<u>10.50</u>
Marijuana growers	AB, LI, IP	<u>11A.03, 16.03, 17.03</u>
Marijuana processors	LC, GC, RC, LI, IP	<u>14A.03, 15.03, 15A.03, 16.03, 17.03</u>
Marijuana provisioning centers	LC, GC, RC, LI, IP	<u>14A.03, 15.03, 15A.03, 16.03, 17.03</u>
Marijuana secured transporters	LC, GC, RC, LI, IP	<u>14A.03, 15.03, 15A.03, 16.03, 17.03</u>
Marijuana safety compliance facilities	LC, GC, RC, LI, IP	<u>14A.03, 15.03, 15A.03, 16.03, 17.03</u>

(Amended 3-14-2002; Ord. No. 1-2017(2), § 1, 6-8-2017; Ord. No. 1-2018(2), § 2, 3-22-2018; Ord. No. 5-2018, § 2, 9-13-2018)

Section 10.11. - Specific conditions and requirements—Junkyard/automobile wrecking yards.

- a. Junkyards shall be established and maintained in accordance with applicable laws of the State of Michigan.
- b. It is recognized by this ordinance that the location in the open of such materials included in this ordinance's definition of "junkyard" will cause the reduction of the value of adjoining property. To the end that the character of the district shall be maintained and property value conserved, an opaque fence or wall at least seven feet in height, and not less in height than the materials located on the lot on which a junkyard shall be operated, shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors and accessways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this ordinance's definition of "junkyard" be located on the lot on which a junkyard shall be operated in the area between the lines of said lot and the opaque fence or wall located on said lot.
 1. In addition to the foregoing requirement, the planning commission or township board may require a greenbelt in accordance with the provisions of article 6.
- c. On the land on which a junkyard shall be operated, all roads, driveways, parking lots, and loading and unloading areas within any yards shall be paved, or chemically treated so as to limit on adjoining lots and public roads the nuisance caused by wind-borne dust.
- d.
 1. All dismantling shall take place on a concrete slab.
 2. The slab shall be above grade from ground level, sealed from groundwater, surrounded by a sill. The slab

must drain to a crock sump.

3. There shall be a containment tank above ground for fluids and containment dikes beneath tanks.
4. All dismantling shall take place with a completely enclosed building.
5. There shall be hazardous materials pickup and a log available for inspection by the zoning administrator or his/her designee. There shall be a separate log for personal on-site use of hazardous materials available for inspection by the zoning administrator or his/her designee.
6. There shall be a surety bond provided, with the amount to be set by the planning commission or township board.
7. Any "crusher" operation must be during the hours of 8 a.m. to 5 p.m. Monday through Friday with no holiday operations.
8. There shall be no stacking of cars prior to crushing or dismantling.
9. There shall be multiple entrances with aisles wide enough to accommodate access by the appropriate emergency vehicles.
10. No aisles shall dead end into another aisle, fence or building.

Section 10.12. - Specific conditions and requirements—Group child care homes.

- a. Applications shall adhere to the definitions for group child care homes, limited residential care and full residential care facilities under section 21.02. In addition, the application shall indicate the status of any county, state or federal licensing or certifications required or approved. Should licensing of such facilities be revoked, the township may also seek revocation of the conditional use permit.
- b. The applicant shall include information related to:
 1. The number of children, adults or residents residing or being cared for in the facility.
 2. The number of resident and non-resident employees providing care services.
 3. The hours of operation and the contact person for the facility.
- c. The applicant shall provide a preliminary site plan identifying access and parking areas. Where the facility abuts a single-family residence, appropriate screening, either in the form of landscaping, fencing or both, shall be provided. Expanded needs of lighting, trash collection, and similar impacts shall be minimized and controlled onsite.
- d. In addition, and as to group child care homes, such homes shall be issued a conditional use permit, if the group child care home meets all of the following standards:
 - (a) Is located not closer than 1,500 feet to any of the following:
 - (i) Another licensed group child care home.
 - (ii) 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.
 - (iii) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.
 - (iv) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
 - (b) Has appropriate fencing for the safety of the children in the group child care home as determined by the

local unit of government.

- (c) Maintains the property consistent with the visible characteristics of the neighborhood.
- (d) Does not exceed 16 hours of operation during a 24-hour period. The township may limit but not prohibit the operation of a group child care home between the hours of 10 p.m. and 6 a.m.
- (e) Meets regulations, if any, governing signs used by a group child care home to identify itself.
- (f) Meets regulations, if any, requiring a group child care home operator to provide off-street parking accommodations for his or her employees.

Section 10.13. - Specific conditions and requirements—Places of amusement/commercial recreation facilities.

Such uses shall include drive-in theaters, bowling alleys, stand-alone driving ranges, including domed facilities and other uses deemed commercial recreation where facilities and services are provided for profit.

- a. Drive-in theaters shall be enclosed for their full periphery with an opaque fence at least seven feet in height. Fences shall be of sound construction, painted or otherwise finished neatly and inconspicuously.
- b. All facilities shall be set back at least 100 feet from any front street or property line. In addition, the planning commission may require a greenbelt in accordance with the provisions of [article 6](#).
- c. All traffic ingress or egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the public thoroughfares. All points of entrance or exit for motor vehicles shall be located no closer than 200 feet from the intersection of any two streets or highways.

Section 10.14. - Specific conditions and requirements—Gasoline service stations.

- a. *General regulations.* Except where the regulations for the district in which the gasoline service station is located are more restrictive than the following regulations, in which case the more restrictive regulations shall apply, all gasoline service stations or filling stations shall conform to the following requirements:
 - 1. The minimum frontage shall be 120 feet.
 - 2. The minimum area shall be 12,000 square feet.
 - 3. The minimum setback from the street right-of-way shall be 35 feet.
 - 4. The minimum greenbelt buffer area of at least 25 feet shall be provided around the perimeter thereof.
- b. *Construction standards.*
 - 1. Separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands. Where the portion of the property used for vehicular traffic abuts a street, said portion shall be separated from the street line by a curb at least six inches high.
 - 2. The entire area used for vehicular service shall be paved and all other areas shall be landscaped and protected from vehicular use by a low barrier.
 - 3. Hydraulic hoist, lubricating, greasing, automobile body repair and painting, washing, and repair equipment shall be entirely within a building. Tire and battery service and minor automobile repairs may be carried on outside of the building.
 - 4. The maximum widths of all driveways at the sidewalk shall be no longer than 30 feet.

5. Minimum angle of driveway intersection with the street from the curb line to lot line shall be no less than 60 degrees.
 6. The minimum distance between curb cuts shall be no less than 40 feet.
- c. *Lighting.* All lighting shall be accomplished in a manner such that no illumination source causes nuisance to adjacent properties.
 - d. *Abandonment.* In the event that a gasoline service station has been abandoned for a period of more than one-year, the conditional use permit shall be deemed to be null and void and prior to the operation or use of the premises as a gasoline service station or filling station, a new conditional use permit must be obtained; provided further that, if an application for a new permit is not received within 30 days after the expiration of the one-year period provided herein, the owner of the property shall remove all gasoline storage tanks and gasoline pumps and shall establish the surface of the property in accordance with its natural grade. The removal of the storage tanks and pump shall be accomplished within 60 days after the expiration of the one-year period provided herein. In the event the owner fails to comply with the provisions of this subsection, the township board may proceed to have the storage tanks and pumps removed and the surface property returned to its natural grade and to deduct the cost thereof from the compliance bond or proceed under section 2.11 of this ordinance as the township may in its sole discretion determine to be suitable under the circumstances.

Section 10.15. - Specific conditions and requirements—Medical and dental clinic and animal clinics.

- a. The facility shall provide for limited overnight accommodations, with the intent of providing for both regular and routine visits as well as emergency services during normal business hours.

Section 10.16. - Specific conditions and requirements—Development of natural resources/mining and extraction.

- a. Pits and quarries shall be completely enclosed by a fence four or more feet in height for the safety of the general public. Said fence shall be placed no closer than ten feet to the outside perimeter of the pit or quarry. Said fence shall conform with the minimum setback requirements of the district in which it is located.
- b. No slope shall exceed an angle with the horizontal of more than 30 degrees for the first 12 feet along the horizontal, after which the slope shall not exceed an angle with the horizontal of more than 45 degrees.
- c. All areas so used shall be rehabilitated progressively as they are worked out or abandoned to a condition entirely free from hazards and blending with the surrounding natural grounds. All slopes and banks shall be reasonably graded to prevent excessive erosion. A site reclamation plan shall be filed with the application for conditional use and appropriate site plans. Strict adherence to the site plan and reclamation plan shall be required, with any changes subject to the approval of the planning commission.
- d. The planning commission, upon recommendation from the county road commission, shall establish routes of ingress and egress for truck movement in order to minimize the wear of public roads and to prevent hazards to traffic. All interior roadways shall be chemically treated to reduce dust.

Section 10.17. - Specific conditions and requirements—Campgrounds.

- a. In addition to the specific conditions and requirements herein provided, the campground shall comply with all applicable provisions of part 125 of the Public Health Code (MCL 333.12501 et seq.) and the administrative rules and regulations issued thereunder then in effect on the date the conditional use permit is issued.
 1. The campground shall meet the minimum requirements for a "primitive campground" as defined in the rules and regulations promulgated under part 125 of the Public Health Code (MCL 333.12501 et seq.).

2. The minimum size of campground shall be 15 acres.
 3. Outdoor cooking facilities shall be constructed for each site and open fires shall be prohibited except in designated areas.
- b. Use standards.
1. No individual or group shall be allowed to occupy sites within the campground for more than 14 days.
 2. The campground shall be open to the general public.

Section 10.18. - Specific conditions and requirements—Essential service buildings.

- a. In every zoning district, except industrial, the following essential service buildings shall be required to have a conditional use permit prior to their construction: transformer substation, pumping stations, communications relay stations, gas and steam regulating valves and stations and buildings of similar function.
- b. No such building shall be used for residential purposes.
- c. An approved opaque fence or greenbelt may be required by the township board in addition to the circumstance provided in section 6.07 when the board determines same to be necessary for the protection and preservation of the character of the surrounding neighborhood and adjacent land.

Section 10.19. - Specific conditions and requirements—Planned unit development (PUD)/planned unit residential development (PURD).

Planned unit development is intended to provide the applicant flexibility in the design and enhance the administrative process for review and approval based upon the community's desire to preserve open space and provide more affordable housing where feasible. In the "RR," "RA," "RB" and "MH" districts, only planned unit residential development (PURD) is allowed, with no mixed-use provisions. Within the "MF" district, those uses subject to conditional use (such as offices) may be included.

Residential site condominium projects shall follow the requirements outlined for planned unit residential development. The "site" shall comply with the requirements for "lot area" within the underlying zone, subject to reduction based upon open space set asides. Reference to an "agreement" shall be the draft master deed for the project, with any conditions or restrictions less restrictive than the zoning ordinance clearly stated and outlined on the site plan.

- a. Required standards for approval.
 1. The maximum number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the underlying district or districts in which the PUD is located. Net development area is determined by subtracting water, muck and peat areas, and areas set aside for churches, schools and similar facilities and the area proposed for streets from the gross development area. The area of land set aside as common land, open space or recreation, except as above indicated, shall be included as a part of the net development area.
 2. The proposed development must be served adequately by essential public facilities and service, such as highways, streets, police and fire protection, drainage structures and refuse disposal; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service. Public water and sewer systems shall serve the development whenever deemed feasible by the township.
 3. The proposed unit is of such size, composition and arrangement that its construction and marketing

operation is a complete unit, without dependence on any subsequent unit for development.

4. The common open space, any other common properties, individual properties and all other elements of the PUD are so planned that they will achieve a unified environmental scheme, with open spaces and all other elements, in appropriate locations, suitably related to each other, the site and surrounding land.
- b. Deed restrictions and covenants entered into or proposed to be contracted for by the developer become an appropriate consideration of the township planning commission. The planning commission and board may consider the manner in which the lawful contractual techniques can augment lawful zoning techniques in attaining the objectives of the PUD and may make its recommendations conditional upon these contractual relations between private parties, or may recommend procedures whereby the township becomes a party to such contractual relations.
- c. Required provisions in site plan.
 1. The plan shall contain such proposed covenants, easements and other provisions relating to the bulk, location and density of residential units, accessory uses thereto and public facilities as may be necessary for the welfare of the residents of the PUD and not inconsistent with the best interests of the entire township.
 2. The applicant may be required to dedicate land for street or parking purposes and, by appropriate covenants, to restrict areas perpetually as open space for common use. The development as authorized shall be subject to all conditions of this ordinance only to the extent specified in the authorization.
- d. Tentative township board approval may be given by the board upon receipt of the planning commission report, incorporating such conditions as the board deems appropriate in order to promote the health, safety, and welfare of the township. Upon receipt of tentative approval by the board, the applicant shall then execute an agreement to construct the PUD in accordance with the plans, documents and other data supplied to the planning commission and board and such other conditions and requirements as may be imposed by the board in giving its tentative approval to the applicant.
- e. All plans shall be then be submitted to the Calhoun County Road Commission, Calhoun County Health Department and Calhoun County Drain Commission for their review and approval. Final township board approval shall be based upon these agency approvals, and final site plan approval by the planning commission, prior to submission to the township board.
- f. So long as the conditional use permit issued hereunder is validly in force and effect, the PUD shall be exempt from the provisions of this ordinance relating to size of lots, depth of yards, distance between buildings and building height where specifically referred to in the agreement or master deed provided above.

Section 10.20. - Specific conditions and requirements—Planned shopping centers.

a. *Site development.*

1. Such development shall occupy a site of not less than three acres with not less than 300 feet of street frontage.
2. No building shall be located nearer to the neighborhood center than a distance equal to twice the height of said building.
3. No building shall exceed the height limitation specified in the zoning district in which it is located.

- b. *Screening.* When such development is located in or adjacent to a residential district, or when located adjacent to a public institution or open space, a greenbelt shall be required in accordance with the regulations specified in

section 6.07.

- c. *Lighting.* All lighting shall be accomplished in a manner such that no illumination source causes a nuisance to adjacent properties.
- d. *Vehicular approach.* Driveways and approaches to the property shall be so designed and located as to create minimum interference with traffic on the surrounding public streets. No more than two driveways shall be located as far from street intersections as practicable, but in no case less than 50 feet.
- e. *Parking and circulation.* There shall be provided no less than four square feet of parking and circulation space for every one square foot of floor area within the center. On-site circulation facilities shall be designed so that there shall be no backing up of traffic into public streets. All areas accessible to traffic shall be paved and maintained so as to provide a smooth, dustless, and well-drained surface. Such areas shall be lighted for those hours of darkness during which establishments within the center are open for business.

Section 10.21. - Specific conditions and requirements—Community facilities and public/nonprofit uses.

Facilities within the community that provide for uses or activities for the benefit of residents and non-residents alike are subject to conditional use approval when located within open space or single-family residential districts. The intent is to integrate such uses within these areas subject to the following conditions:

- a. Parking areas shall be screened from any adjacent residence through the installation of an opaque fence of at least six feet in height or a natural landscape screen of equal density and height.
- b. Lighting shall be directed away from adjacent residences and clearly shown on the required site plan.
- c. The approval may be conditioned on the use of such facilities and the hours of operation. Changes or alterations in the use of such facilities may require a rehearing on the permit and the assignment of additional conditions.

Section 10.22. - Specific conditions and requirements—Golf course with driving range facilities.

Public or private golf course facilities, driving ranges and other recreational facilities are intended to provide the community with open space and recreational amenities within close proximity of residential areas. It is intended that where residential development includes a golf course that such combined use will meet the requirements and procedures for planned unit development. A driving range shall be a secondary and incidental use to the primary golf course operation.

- a. Site development.
 - 1. *Lot area.* Such development shall occupy a site of not less than 20 acres.
 - 2. *Lot width.* Minimum lot width shall be 660 feet.
- b. The golf course, driving range or similar recreational use shall include a clubhouse or pro shop as a secondary use to the principal open space use. The provision for stand-alone driving ranges, enclosed dome facilities or similar enclosures shall not be allowed within these open space or residential districts, but rather as conditional uses listed under places of amusement/commercial recreation (section 10.13).

Section 10.23. - Specific conditions and requirements—Group housing projects and group garden apartment projects.

- a. Only central or community sewage disposal systems may be utilized.
- b. The area shall be developed and maintained under one unified design concept and shall remain under the common ownership of one person or other legal entity.

c. Site development.

1. The minimum horizontal distance between buildings (that is, front to front, rear to rear, or front to rear, as the case may be) shall be 50 feet for buildings one story in height, and shall be increased by no less than five feet for each additional story in height.
2. The horizontal distance between ends of buildings shall be no less than 25 feet. Where the end of one building is opposite the face or rear of another building, the minimum horizontal distance between them shall be increased by no less than five feet for each additional story in height of each building.
3. The horizontal distance between corners of adjacent buildings that do not face one another or overlap in any way shall be no less than 30 feet.
4. Courts completely enclosed by building walls shall not be permitted; provided that screens or fences not exceeding eight feet in height shall not be deemed enclosing features.
5. Distance between wings of a building forming an open court shall not be less than the projection of such wings or less than the height of the highest wall of such wings, whichever is the greater. The depth of an open court formed by walls on three sides shall be not greater than 1½ times the width of such court.
6. No building shall be closer than 25 feet to any street or private access drive, neither shall any entrance to a dwelling unit be closer than 25 feet to any street, private access road, driveway or parking area.
7. Required off-street parking: as required in article 9.
8. Consistent modifications of the foregoing requirements may be made by the township planning commission in order to accommodate site plans which are not conventional in design and to which these provisions do not practicably apply, provided that such modifications shall not be less restrictive than those specified herein.

Section 10.24. - Specific conditions and requirements—Agribusiness.

- a. Provided that such use be permitted as a conditional use in the agricultural district.
- b. An agribusiness and buildings, structures, lots, parcels or parts thereof which provide services, goods, storage, transportation or other activities directly related to the production of agricultural commodities. An agribusiness may include, but is not limited to:
 1. Farm machinery, sales, service, retail and repair.
 2. Grain elevators for storage, drying and sales.
 3. Bulk feed and fertilizer outlets and distribution centers.
 4. Seed dealership outlets and distribution centers.
 5. Grain and livestock trucking and cartage facilities.
 6. Rendering plants.
 7. Slaughterhouses.
 8. Auctions for livestock.
 9. Dairy products production and processing operations.

Section 10.25. - Specific conditions and requirements—New and used vehicle sales and service.

- a. New and used vehicle sales shall be established under township ordinance no. 38 and shall be operated under the applicable laws as contained in the Michigan Motor Vehicle Code.

- b. Each parking space for automobile sales shall not be less than 200 square feet in area. There shall be provided a minimum access drive of ten feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisle shall be:
 1. For 90-degree parking of perpendicular parking, the aisle shall not be less than 22 feet in width.
 2. For 60-degree parking, the aisle shall not be less than 18 feet in width.
 3. For 45-degree parking, the aisle shall not be less than 13 feet in width.
 4. For parallel parking, the aisle shall not be less than ten feet in width.
- c. Every parcel of land hereafter used for vehicle sales shall be developed and maintained in accordance with the following requirements:
 1. All auto spaces shall not be closer than five feet to any property line, except where a wall, fence or compact parking strip exists as a parking barrier along the property line.
 2. Auto sales area shall be paved and drained so as to prevent drainage onto the abutting properties.
 3. Lighting fixtures used to illuminate auto sales areas shall be so arranged as to reflect the light away from any adjoining premises and streets.
 4. Any auto sales area providing spaces for five or more vehicles shall be effectively lighted and screened on any side which adjoins or faces property adjoining a residential lot or institution by an approved fence or greenbelt area. Planting shall be maintained in good condition and not encroach on adjoining property.
 5. There shall be no vehicle repair outside of a completely enclosed building.
 6. There shall be no cannibalized or inoperative vehicles stored outside of a completely enclosed building.
- d. All applicants must possess a Michigan Car Dealers License or must be in the process of obtaining said license. The conditional use permit shall not take effect until such license is issued by the State of Michigan.
- e. Sales of other vehicles or trailers, including mobile homes or manufactured housing units, shall be subject to specific conditions established by the planning commission unique to those specific uses.

Section 10.26. - Specific conditions and requirements—Ministorage facilities.

- a. The entire area used for parking shall be paved.
- b. There shall be no outside storage permitted.
- c. There shall be no type of retail business operated from the building(s) constructed for storage.
- d. Adequate lighting must be installed in a manner as to provide security and no illumination source shall cause nuisance to adjacent properties.
- e. All fences constructed shall be in accordance with section 6.12.

Section 10.27. - Specific conditions and requirements—Telecommunication towers.

- a. *Purpose.* Regulation of commercial wireless communication service towers and antennas is necessary to protect the public health, safety and welfare while meeting the communications needs of the public. The intent of the ordinance is to minimize adverse visual effects of towers and avoid damage to adjacent properties while adequately serving the community.
- b. *Towers permitted in zoning districts.* Towers and alternative design mounting structures that support antennas

are conditional uses in the "GC," "RC," "LI" and "IP" districts and within the "RR" rural residential district where the site is no farther than 1,320 feet from a commercial or industrial district. All towers shall be subject to the following conditions:

1. In order to contain falling ice or debris from tower failure on site, and to minimize conflict with adjacent properties, the base of a free-standing monopole or guy-wired (lattice) tower shall be set back:
 - a) From abutting residential districts and from any existing residence as measured from the tower base, a setback no less than 200 feet or 300 percent of the tower height, whichever is greater.
 - b) From any street, public property or private property line the setback shall be equal to the height of the tower. Guy wire anchors shall be set back 75 feet from all property lines and shall be located on the same parcel as the tower.
 - c) For leased sites, a legally described parcel shall be established which provides suitable location and size to meet the requirements of this ordinance.
 2. The tower base shall be enclosed by a security fence, consisting of a six-foot-tall chain link fence topped with three strands of barbed wire or an eight-foot-tall chain link fence. Operation and maintenance of the tower shall adhere to ANSI (American National Standards Institute) standards or other federal or state standards which guide the industry.
 3. A six-foot-tall landscaped screen is required to screen around the exterior perimeter of the fenced area, as established under article 7A, landscaping and screening.
 4. The maximum tower height shall be 250 feet as measured from the tower base. This maximum height shall include the tower and any attachments.
- c. *Lighting.* Towers shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. If lighting is required, a dual lighting system shall be employed to minimize the impact at night.
- d. *Signs.* The use of any portion of a tower for signs other than warning or equipment information is prohibited.
- e. *Application requirements.* Application must be made for a building permit, and the following information must be submitted:
1. Site plan of the proposed tower location showing all existing and proposed features of the site, including maintenance buildings or pads constructed to support future carrier needs. The site plan shall also identify all buildings on the subject property and within the setback requirements identified under subsection b.1.a) of this ordinance. Any structure utilized for the purpose of supporting an antenna in excess of 50 feet in height shall be subject to the provisions for site plan review. The applicant must present with the site plan a diagram identifying how this antenna will fit into the grid within the carrier's overall network. If such a structure has an approved site plan and has identified the location of future antenna, the applicant shall be subject to only a building application process.
 2. Elevation(s) of the proposed tower height above grade, and any other improvements or characteristics of the site or tower, including a description of the color and appearance of the tower. The applicant must seek ways to reduce the visual impact of the tower through camouflage, screening or site selection. The purpose is to provide compatibility of the tower and support structures with adjoining properties.
 3. Documentation of the purpose of the tower, the number and type of joint users to be served at this site, Federal Aviation Administration approval and an engineer's certification of structural and electrical safety. The township may request that any information submitted be certified by an independent, licensed

professional engineer, with the cost of this review borne by the applicant.

f. *Location/separation requirements.* All commercial wireless telecommunications towers erected, constructed or located within Emmett Township shall comply with the following requirements:

1. A new commercial wireless telecommunications tower shall not be approved unless the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or structure within the township or within one mile of its boundary. The applicant shall provide documentation on their investigation, and the rationale for not being able to collocate on any existing towers or structures. The applicant must present a plan for how and where such network and/or grid will be developed in the township and the surrounding area.
2. Any proposed commercial wireless telecommunications service tower shall be designed to accommodate both the applicant's equipment and that of at least two other users.
3. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, as established by the site plan for the proposed tower. The separation distances are as follows:

Table 1 Existing Towers—Types

	Lattice	Guyed	Monopole 75 ft. in Height or Greater	Monopole Less than 75 ft. in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 ft. in height or greater	1,500	1,500	1,500	750
Monopole less than 75 ft. in height	750	750	750	750

g. *Abandonment or unused towers or portions of towers.* Abandoned or unused towers or portions of towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by Emmett Township Zoning Board of Appeals. A copy of the relevant documents (including the signed lease, deed or land contract restrictions) which requires the applicant to remove the tower and associated facilities upon cessation of the operations shall be submitted at the time of application. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities shall be removed by the township, with the costs of removal, including any administrative fees, assessed against the real property.

- h. *Locating antennas or towers on public property.* Antennas or towers may be located on property owned, leased or otherwise controlled by the Charter Township of Emmett provided a license or lease authorizing such antenna or tower has been approved by the township.
- i. *Reporting change in status regarding number of antennas.* The tower owner or operator must inform the township clerk of any change in status regarding the number of antennas located on the tower in order to define the potential for collocation by other applicants.

Section 10.28. - Specific conditions and requirements—Commercial kennel.

An application to construct a commercial kennel for the purpose of boarding ten or more domesticated animals shall be subject to the necessary permits and approvals from the Calhoun County Health Department and the State of Michigan and meet the following conditions:

- a. There shall be a 100-foot setback from any adjacent property line for any building or exterior area used for boarding or as an exercise area (such as a dog run).
- b. All buildings shall be soundproofed and secured by perimeter fencing.
- c. Landscaping on the outside of the perimeter fencing shall be required where the fencing is within 200 feet of any adjacent residence.

Section 10.29. - Specific conditions and requirements—Private airport or landing strip.

The following conditions shall be met in addition to meeting the site development standards within the "AB" agricultural business district:

- a. The airport or landing strip shall be subject to the approval process of the FAA and any state or county certifications, licensing or regulations relating to development (required runway length, lighting, etc.) or operation (hours, noise levels, etc.). The location of the runway (landing strip), hangars or any other storage buildings or parking areas shall be set back 200 feet from any adjoining property line.

Section 10.30. - Specific conditions and requirements—Home occupations.

The zoning administrator shall determine whether a conditional use permit is required based upon the nature of the occupation. If no customers or clients are directed to the residence and there is no advertising or signage associated with the address and the other conditions listed are met, such use may be permitted by right and not considered a home occupation. Home occupations such as hairdressing, millinery, dressmaking, bookkeeping and accounting services, real estate and insurance sales, professional offices for not more than one physician, surgeon, dentist, attorney, architect, engineer, or similar professional practitioner provided that such home occupation shall satisfy the following conditions:

- a. The non-residential use shall be only incidental to the primary residential use of the property.
- b. The home occupation shall be limited to no more than 30 percent of the total floor area of the principal building and no more than 50 percent of the total floor area of any accessory building.
- c. There shall be no more than one employee other than members of the immediate family residing on the premises.
- d. All activities shall be conducted indoors.
- e. There shall be no external evidence of such occupation except a small announcement sign as specified herein.

- f. No home occupation shall be permitted which is injurious to the general character of the residential or agricultural and which creates a hazardous or unhealthy condition.
- g. For the purposes of this provision, principal and accessory farm operations shall not be considered home occupations.
- h. No structural alterations or additions, either interior or exterior, shall be permitted in order to accommodate a home occupation.

Section 10.31. - Specific conditions and requirements—Roadside stands.

- a. The stand shall be located no closer than 20 feet to the road right-of-way and the building shall not exceed a height of 15 feet or have a floor area not to exceed 500 square feet.
- b. Off-street parking shall be capable of accommodating at least four vehicles, with such parking areas arranged so as to restrict any backing movements onto the roadway. A separate entrance and exit are required unless a single defined access of no less than 24 feet in width is adhered to.
- c. Signage shall adhere to the standards for home occupations.
- d. The site shall be limited to the sale of products produced on the land and no more than 25 percent of products brought in from other sources. Outdoor display of products shall be limited to the 20-foot setback and normal business hours and trash receptacles shall be provided. The applicant shall be responsible for maintaining the property in a safe and healthful manner.

Section 10.32. - Specific conditions and requirements—High-density animal feeding operations.

The development of a high-density animal feeding operation is subject to the following interpretation and conditions:

- a. Animals are confined and fed or maintained for a total of 45 days or more in any 12-month period.
- b. The operation meets or exceeds the feeding and confinement of 50 or more animal units as regulated by the department of agriculture and defined as follows:
 - 1. One beef or feeder cattle.
 - 2. Seven-tenths mature dairy cattle, whether milked or dry cows.
 - 3. Two and five-tenths swine each weighing 55 pounds or more.
 - 4. Five-tenths horses.
 - 5. Ten sheep, lamb or goats.
 - 6. 55 turkeys.
 - 7. 100 laying hens or broilers (if the facility has a continuous overflow watering system).
 - 8. 30 laying hens or broilers (if the facility has a liquid manure handling system).
 - 9. Five ducks.
- c. The confinement and feeding of animals complies with federal, state and local regulations, with any former violations by the owner or operator documented at the time of application.
- d. A sustained ground cover (crops, vegetation, forage growth or postharvest residue) cannot be maintained during the normal growing season over that portion of the lot or facility when the animals are housed or confined.
- e. Two or more contiguous animal feeding operations are deemed to be a single animal-feeding operation if

they are under common ownership or operation, or share a common area or system for waste disposal.

- f. The operation must utilize accepted animal waste (manure, bedding, flush waters or other byproducts) management practices as established under the State of Michigan Department of Agriculture (MDA) Generally Accepted Agricultural Management Practices (GAAMPs).
- g. An application for conditional use permit for high-density animal-feeding operations shall include the required site plan as established within the GAAMPs and generally include the following information:
 1. A description of the types and total number of animal units to be confined on the site.
 2. A detailed plan for the handling, storage, treatment, and disposal of animal waste; including the timetable for implementation of the plan and the location of any waste application.
 3. A detailed plan for controlling noise, dust, and odors; including a timetable for implementation of the plan.
 4. A description of the design, installation and operation of all facilities and equipment required to monitor groundwater, soil, or air contamination as required by federal, state or local regulating agencies. In addition, copies of reports or results of tests shall be submitted to the township upon receipt by the owner/operator.
- h. The operation shall meet setback and locational standards consistent with the GAAMPs based upon the number of animal units and the distance from nonfarm residences.

Section 10.33. - Specific conditions and requirements—Schools (public and private).

Where local regulation of schools, whether nursery, elementary, secondary or special-purpose education facilities, is provided for through the state board of education or other means, the following conditions are required:

- a. Adequate off-street parking and loading and unloading areas shall be provided consistent with the parking regulations established under article 9.
- b. Adequate lighting and signage shall be provided in order to access the buildings and facilities by the public or for emergency purposes.
- c. Buildings shall not be located within 200 feet of any existing residence and playground areas shall be screened or fenced along any property line where a residence is within 100 feet.

Section 10.34. - Specific conditions and requirements—Single-family and two-family dwellings.

Where single-family or two-family dwellings are only permitted as a conditional use, certain conditions shall be met prior to the issuance of a building permit:

- a. In the open space district, single-family dwellings are permitted provided they identify the location of the dwelling in relation to any waterbody or floodplain through mapping, survey or similar reference providing distances and elevations. The ability to gain approval from the Calhoun County Health Department for installation of a private well and septic system shall be provided in advance of issuing the conditional use permit or building permit.
- b. In the medium-density residential district, two-family dwellings are permitted provided they are connected to a public wastewater system and meet a minimum lot area of 30,000 square feet and a lot width of 100 feet. The planning commission may impose additional conditions in order for the two-family dwelling to be compatible with adjoining single-family dwellings.

- c. In the local commercial (LC) and general commercial (GC) districts, new or rehabilitated existing single-family and two-family dwellings are permitted where conditions exist that do not support commercial development of such site in the near future. Rather than allow for a spot residential zone within an otherwise commercial district, this residential use is allowed subject to the following:
 1. The lot area for the dwelling does not meet the minimum lot area for the district.
 2. The residential construction or rehabilitation does not negatively impact the ability for adjoining properties to be converted or utilized for a commercial use.
- d. In the light industrial district, new or rehabilitated single-family and two-family dwellings are permitted where conditions exist that do not support industrial development of such sites in the near future. No such use shall be approved if the lot area exceeds the minimum lot area for the district. No such use shall be approved if the lot is within 200 feet of an existing industrial use.

Section 10.35. - Specific conditions and requirements—Office uses.

The office use shall serve as a buffer between the "MF" multiple-family residence district and a commercial district or be a use consistent with those found in a business park within the "LI" light industrial district.

Section 10.36. - Specific conditions and requirements—Drive-in and drive-through establishments.

The uses listed under the commercial and industrial districts that may be considered under this conditional use include fast food restaurants, banks or similar uses where traffic access and movement through the site requires the following:

- a. Sufficient "stacking" area shall be provided that allows for no less than 100 feet (roughly five vehicle lengths) of length and 12 feet of width for any lane providing access to the drive-through window.
- b. Access and parking areas for either drive-in or drive-through uses shall be clearly marked and minimize conflicts for pedestrians accessing the building or other facilities.
- c. Where such uses are adjacent to a residence or a residential district, the parking area and/or drive lanes shall be screened with a six-foot-high opaque fence. Trash containers shall also be screened with fencing or landscaping.

Section 10.37. - Specific conditions and requirements—Liquor-related stores or restaurants serving alcohol.

Where such uses are to be located in the "LC" local commercial district, consideration shall be given to the impact of such use on surrounding land uses, including residential areas. In order to minimize this impact, the following conditions are required:

- a. The planning commission or township board may establish limits on hours of operation beyond 11:00 p.m. due to noise or other disturbances associated with such businesses.
- b. Parking areas shall be screened from any adjoining residences or residential districts with an opaque fence six feet in height. In addition, lighting must project onto the site and away from any adjoining properties.

Section 10.38. - Specific conditions and requirements—Temporary buildings and trailer offices.

A conditional use permit shall be required for the location and use of temporary buildings or offices during the construction of a principal building or use. Such permit shall expire on the date a certificate of occupancy is issued for the principal building or use or one year from the date of issuance of the conditional use permit, whichever is earlier.

Reapplication shall be required should this temporary use extend beyond this period. The building or office shall be connected to a water and wastewater system or receive approval from the Calhoun County Health Department for an alternative system.

Section 10.39. - Specific conditions and requirements—Funeral parlor or mortuary establishment.

- a. The minimum lot area shall be one acre.
- b. The floor area provided for mortuary functions shall be larger and separate from the living quarters of those persons owning, managing or maintaining the mortuary.
- c. A fence or natural screening at least six feet in height shall be provided along any property line of an adjoining residential use.
- d. The site plan shall identify the size and location of any overflow parking areas and clearly define vehicle flow (entrance and exit) during funerals.

Section 10.40. - Specific conditions and requirements—Open air business/display/flea markets.

- a. The minimum lot area for any business shall be two acres.
- b. The parking areas shall be arranged between the public road or access road and the building or location for the display. No display of materials may be within 100 feet of a public road right-of-way.
- c. Lighting of the site shall not impact on adjacent properties or create a traffic hazard in and around access points.
- d. The planning commission or township board may establish both hours of operation and length of time (days or months) for the open air business. No additional signage shall be allowed beyond that prescribed under article 8.

Section 10.41. - Specific conditions and requirements—Wholesale service business.

The following conditions shall apply for the granting of a conditional use permit for development of a wholesale service center:

- a. No assembly of products shall occur on the premises.
- b. The use shall be limited to distribution and redistribution of goods of a wholesale nature, with transportation of such goods along state highways and/or county primary roads.
- c. Hours of operation shall be limited from 7:00 a.m. to 7:00 p.m.

Section 10.42. - Specific conditions and requirements—Parking garage and vehicle/truck storage areas.

A wide range of uses may involve the short-term parking of vehicles or trucks as a secondary and accessory use to their primary use. Where the zoning administrator determines that the storage or parking of vehicles or trucks is the primary use, the planning commission or township board may require a conditional use permit for such use and impose the following conditions:

- a. The storage of vehicles or trucks must be within an enclosed building or parking structure or located on the property such that the visual impact is reduced or eliminated. In no case shall the long-term parking occur in the front yard setback or in front of the building line, whichever is greater.
- b. Where the parking area can be seen from the public road right-of-way, a combination of a natural landscape

screen and fencing may be required.

- c. The parking area shall be set back no less than 100 feet from any existing residence.
- d. No repair activities shall occur outside the enclosed building or garage and all vehicles must be licensed and fully operable at all times.

Sections 10.43 through 10.48. - Specific conditions and requirements—All other conditional uses in the commercial and industrial districts.

A wide range of uses have been established as conditional uses due to the potential impact of such use on adjoining uses or on adjacent properties. Those uses specifically listed and those uses to be considered for inclusion in the ordinance shall adhere to the general standards for approval of all conditional uses and specific conditions imposed by the planning commission or township board based upon unique circumstance for each use.

Section 10.49. - Specific conditions and requirements—Adult entertainment.

Purpose. Regulation of adult entertainment uses is directed at protection of the health, safety and welfare of township residents through the establishment of conditions by which such use may be approved. The intent is to minimize the negative impacts of such use, including potential blight and possible criminal activity associated with such adult uses. It is not the intent of this ordinance to regulate the content of materials associated with the use, rather the separation of incompatible uses that may result in loss of property value.

District. Adult entertainment uses are conditional uses within the LI-light industrial district. Such use is deemed to be incompatible with uses permitted within the agricultural, residential and commercial districts and the site development regulations provide for increased setback and lot area to further reduce such incompatibility.

Definitions. Such uses defined are not intended to be an exclusive list of adult entertainment. Any such use required to be licensed or inspected shall be included within this definition of adult entertainment even if not specifically listed under this subsection:

Adult book store, adult novelty store or adult video store or similar use which offers for rent or sale material which displays images emphasizing matter depicting or describing "specified sexual activities" or "specified anatomical areas" as defined. Such stores that limit the concentration of such material to an "adult only" section, encompassing less than 25 percent of the usable floor area and less than 25 percent of the gross receipts from sales or rentals, shall not be considered under this definition or regulated as "adult entertainment."

Adult booth, arcade, motion picture or mini-motion picture theater or similar use that presents material which displays images emphasizing matter depicting or describing "specified sexual activities" or "specified anatomical areas" as defined. Such uses shall be within an enclosed building or enclosed room within the building and shall not be viewed or displayed immediately upon entering said building or room.

Adult cabaret, nightclub, theater or similar establishment which features live performances by dancers (topless, go-go or exotic as examples), strippers or similar entertainers, where the performers feature live display of "specified anatomical areas" or describe "specified sexual activities."

Adult motel or adult lodging establishment or similar use that provides materials for sale or rent, including in-room videos, which displays images emphasizing matter depicting or describing "specified sexual activities" or "specified anatomical areas." Such facilities shall clearly advertise the availability of such adult entertainment.

Adult personal service or physical culture business or similar uses including massage parlors, health spas, saunas or steam baths where the person providing the service is nude or partially nude as defined as having attire which reveals "specified anatomical areas."

Specified anatomical areas are areas of the body, less than completely or opaquely covered, including human genitals, the pubic region, buttock or female breast area below a point immediately above the top of the areola. This definition shall also include human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified sexual activities include human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse, sodomy or fondling or other erotic touching of human genitals, the pubic region, buttock or female breast.

Conditions. In order to reduce or mitigate the incompatibility of such uses with surrounding uses, the following conditions shall apply for adult entertainment:

1. All such facilities shall meet any state licensing requirements, fire regulations or other state or local requirements for operation.
2. All such facilities shall provide for separate male and female restrooms and such restrooms shall be free to the public.
3. The entrance to such facilities shall be clearly posted "For Adults Only" and anyone entering the facility shall be asked for permanent identification to determine that no person under the age of 18 is allowed.
4. Signage shall adhere to the township sign regulations and no advertisement shall be visible from the exterior of the facility related to the display or description of materials defined as "specified sexual activities" or "specified anatomical areas" or any language considered slang providing for the same description.
5. A site plan shall be submitted which meets the township's standards for site plan review, including landscaping and lighting that will decrease the incompatibility with surrounding uses. The site plan shall also indicate any existing uses, buildings or structures within 500 feet of the property.
6. The site for such adult entertainment use shall not be located within 500 feet of any community facilities, including churches, schools or other public buildings.
7. The site for such adult entertainment use shall not be located within 300 feet of any residence or from a residential zoning district.
8. The site for such adult entertainment use shall not be located within 1,000 feet of any other adult entertainment use as defined in this ordinance.
9. Parking areas shall be well lit and no loitering or congregation of patrons outside of the facility shall be allowed by the proprietor of the business.

Exempt uses. Any use that is licensed or certified for purposes of other professional service, including barbers or beauticians, massage or physical therapists, athletic trainers or other professions where bodily contact is anticipated as part of the service, shall be exempt from these provisions so long as the use does not extend to providing services similar to those identified under this section.

Section 10.50. - Specific conditions and requirements—Equestrian facilities (including indoor arenas).

- a. Any buildings used for commercial purposes shall be set back 100 feet from any property line or 150 feet from any residence on an adjoining property, whichever is greater.

- b. The site shall be located on a county primary road and meet a commercial driveway standard. Any access or parking shall be set back 50 feet from any property line and screening shall be required if within 100 feet from any residence adjoining property.
- c. Signage shall be restricted to driveway entrance and exit signs and one free-standing sign not to exceed 24 square feet and placed no closer than one-third the required setback within the "AB" zoning district.

Section 10.51. - Specific conditions and requirements—Woodworking Shops.

The following conditions shall apply for the granting of a conditional use permit for woodworking shops:

- a. There shall be no outdoor storage of materials.
- b. Dumpsters must be provided for disposal of waste material and debris.
- c. Dumpsters must be completely surrounded by a brick, stone, or wooden enclosure.

(Ord. No. 1-2017(2), § 2, 6-8-2017)

Section 10.52. - Marijuana grower, marijuana processor, marijuana provisioning center, marijuana secured transporter, and marijuana safety compliance facility.

- A. A marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, and marijuana safety compliance facility, in accordance with the provisions of state law, may be permitted through the issuance of a special use permit pursuant to this article in the specified zones, provided that:
 - 1. Any uses or activities found by the state of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law shall not be permitted by the township. In the event that a court with jurisdiction declares some or all of this article invalid, then the township may suspend the acceptance of applications for special use permits pending the resolution of the legal issue in question.
 - 2. At the time of application for a conditional use permit the marijuana facility applicant must possess a prequalification letter issued by the Bureau of Medical Marijuana Regulation establishing that the Medical Marijuana Licensing Board has determined that the applicant has prequalification status pursuant to the licensing provisions of the Medical Marijuana Facilities Licensing Act (MMFLA) and MMFLA Emergency Rule 4.
 - 3. At the time of application for a conditional use permit the marijuana facility must be licensed by township, or have the township license concurrently in process with the special use permit and site plan approval, and then must be at all times in compliance with Article IV of Chapter 18 of the Emmett Charter Township Code of Ordinances.
 - 4. The use or facility must be at all times in compliance with all other applicable laws and ordinances of the township.
 - 5. The township may suspend or revoke a conditional use permit based on a finding that the provisions of the special use standards in this section, all other applicable provisions of this zoning ordinance, Article IV of Chapter 18 of the Emmett Charter Township Code of Ordinances, or the terms of the special use permit and approved site plan are not met.
 - 6. A marijuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marijuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this ordinance.
 - 7. Signage requirements for marijuana facilities, unless otherwise specified, are as provided in Article 8 of this

ordinance.

B. Marijuana growers and marijuana processors shall be subject to the following standards:

1. *Minimum Yard Depth/Distance from Lot Lines.* The minimum front, rear, and side yard setbacks for any structure used for marijuana production shall be 50 feet. The minimum front, rear, and side yard setbacks for outdoor production shall be a minimum of 100 feet from all lot lines. The minimum waterfront setback for any structure or outdoor production shall be a minimum of 100 feet from the ordinary high water mark.
2. *Indoor Production and Processing.* In the LI-Light Industrial and IP-Industrial Park districts, marijuana production shall be located entirely within one or more completely enclosed buildings. In the GC-General Commercial, RC-Regional Service Commercial, LI-Light Industrial, and IP-Industrial Park districts, marijuana processing shall be located entirely within a fully enclosed, secure, indoor facility or greenhouse with rigid walls, a roof, and doors.
3. *Maximum Building Floor Space.* The following standards apply in the LI-Light Industrial and IP-Industrial Park districts:
 - a. The maximum square footage of building floor space which may be used for activities associated with marijuana production on the subject property shall be as determined by the State Construction Code.
 - b. If only a portion of a building is authorized for use in marijuana production, a partition wall at least seven feet in height, or a height as required by the applicable building codes, whichever is greater, shall separate the marijuana production space from the remainder of the building. A partition wall must include a door, capable of being closed and locked, for ingress and egress between the marijuana production space and the remainder of the building.
4. *Lighting.* Lighting shall be regulated as follows:
 - a. Light cast by light fixtures inside any building used for marijuana production or marijuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
 - b. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.
5. *Odor.* As used in this subsection, building means the building, or portion thereof used for marijuana production or marijuana processing.
 - a. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - b. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter (s) shall be rated for the applicable CFM.
 - c. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - d. Negative air pressure shall be maintained inside the building.
 - e. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - f. An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system

otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

6. *Security Cameras.* If used, security cameras shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state of Michigan.
 7. *Residency.* In the AB-Agricultural/Business district an owner of the subject property, or the licensee associated with the subject property shall reside in a dwelling unit on the subject property unless there is a 24-hour, seven-days-a-week staffed security presence on the property with a direct phone number supplied to local law enforcement.
- C. Provisioning centers shall be subject to the following standards:
1. *Indoor Activities.* All activities of a provisioning center, including all transfers of marijuana, shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-up window or drive-thru window service.
 2. *Other Activities.* Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the provisioning center.
 3. *Nonconforming Uses.* A provisioning center may not locate in a building in which a nonconforming retail use has been established in any district.
 4. *Physical Appearance.* The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.
 5. *Buffer Zones.* A provisioning center may not be located within 500 feet of a church or a school building. The distance between the church or school building and the contemplated location must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the church or school building nearest to the contemplated location and from the part of the contemplated location nearest to the church or school building. The township board may waive this section for provisioning centers. If an objection is not filed by the church or school, the township board may issue the license under this ordinance. If an objection is filed, the township board shall hold a hearing under rules established by the board before making a decision on issuing the license.
 6. *Odor.* As used in this subsection, building means the building, or portion thereof, used for a provisioning center.
 - a. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - b. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter (s) shall be rated for the applicable CFM.
 - c. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - d. Negative air pressure shall be maintained inside the building.

- e. Doors and windows shall remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
 - f. An alternative odor control system is permitted if the special use applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- D. Marijuana Safety Compliance Facility shall be subject to the following standards:
- 1. A marijuana safety compliance facility shall be subject to the special regulations and standards applicable to medical laboratories and medical testing facilities in the ordinance.
 - 2. All activities of a marijuana safety compliance facility, including all transfers of marijuana, shall be conducted within the structure and out of public view.
- E. Marijuana Secure transporter shall be subject to the following standards:
- 1. A marijuana secure transporter shall be subject to the special regulations and standards applicable to transportation and warehousing uses in the ordinance.
 - 2. Any buildings or structures used for the containment of stored materials shall comply with all set-back restrictions contained within the ordinance pertaining to the district in which they are located.

(Ord. No. 1-2018(2), § 3, 3-22-2018; Ord. No. 5-2018, § 3, 9-13-2018)

Editor's note— Ord. No. 1-2018(2), § 3, adopted March 22, 2018, set out provisions intended for use as § 10.51. Inasmuch as there were already provisions so designated, said section has been codified herein as § 10.52 at the discretion of the editor.

ARTICLE 10A. - OPEN SPACE PRESERVATION AND CLUSTER DEVELOPMENT

- (1) Land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units on a smaller portion of the land than specified in this ordinance, but not more than 50%, that could otherwise be developed on the entire land area, if all of the following apply:
 - (a) The land is zoned at a density equivalent to two or fewer dwelling units per acre or, if the land is served by a public sewer system, three or fewer dwelling units per acre.
 - (b) A percentage of the land area specified in the zoning ordinance, but not less than 50%, will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, as prescribed by this ordinance.
 - (c) The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this Article would also depend upon the extension.
 - (d) The option provided under this Article has not previously been exercised with respect to that land.
- (2) After a landowner exercises the option provided under subsection (1), the land may be rezoned accordingly.
- (3) The development of land under subsection (1) is subject to other applicable ordinances, laws, and rules, including rules relating to suitability of groundwater for on-site water supply for land not served by public water and rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.

ARTICLE 11. - RR—RURAL RESIDENTIAL DISTRICT

Section 11.01. - Purpose.

The purpose of this district is to encourage the continued use of valuable farmland while accommodating rural estate types of residential development at a density that will maintain the overall rural character of the area. This district will provide a buffer between more intensive agricultural use and other more intensive residential use. These areas of the township will also define where public infrastructure improvements (sewer, water and new public roads) are not anticipated or feasible based upon density constraints.

Section 11.02. - Permitted uses.

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

- a. Single-family dwellings.
- b. A parcel may be used for general and specialized farming and agricultural activities, including, but not limited to, the raising or growing of crops, livestock, poultry and other farm animals, products and foodstuffs. Where an existing agricultural use is proposed for expansion it shall adhere to the Michigan Department of Agriculture (MDA) Generally Accepted Agricultural Management Practices (GAAMPs). A new use shall meet the requirements for permitted or conditional uses as established in this ordinance.
- c. A parcel may be used and a building or structure may be located thereon for a riding academy or stable for the raising or keeping of horses, cattle, hogs, ponies, goats or other similar livestock whether for profit or pleasure upon a lot having an area not less than five acres at the point where the lot is at least 300 feet wide provided that the following requirements are met:
 1. Livestock animal. Two acres for the first animal and one additional acre for each animal thereafter.
 2. Fowl and rabbits. One acre per ten animals.
 3. No building or structure shall be located within 50 [feet] of any existing residence, yet fenced enclosures used for the quartering of said animals may be located along the property line.
- d. Family child care home.
- e. A parcel may be used for the growing, stripping and removal therefrom of sod provided that said lot or portion thereof shall be seeded after stripping by fall of the year in which it was stripped so as to reduce the actual potential erosion by water or wind.
- f. Outside storage of not more than a total of two recreational vehicles or boats provided that such units shall be completely within the side and rear yards.
- g. An accessory use, building(s) or structure(s).
- h. State licensed residential facilities other than adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
- i. Home occupation.
- j. Roadside stand, provided all of the nursery stock or other agricultural products are raised on the premises where situated or in the vicinity.

Section 11.03. - Conditional uses.

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this district subject to obtaining a conditional use permit as provided in article 10:

- a. A church, synagogue, cathedral, mosque, temple or other building used for public worship.
- b. Commercial kennel for the boarding of domesticated animals.
- c. Telecommunication tower as provided in section 10.27 of this ordinance.
- d. Planned unit residential development/residential cluster subdivision.
- e. Essential service structure as provided in section 10.18 of this ordinance.
- f. Special temporary uses.

Section 11.04. - Regulations.

The following regulations shall apply in all RR—rural residential districts:

- a. *Lot area.* No building or structure shall be established on any lot less than two acres in area.
- b. *Lot width.* The minimum width shall be 200 feet.
- c. *Lot coverage.* The maximum lot coverage shall not exceed 20 percent.
- d. *Minimum floor area per dwelling unit.* The minimum first floor area for a one-story single-family dwelling shall be not less than 960 square feet.
- e. *Yard and setback requirements.*
 1. *Front yard.* Not less than 50 feet from the right-of-way line.
 2. *Side yards.* Least width of either yard shall not be less than 30 feet, except in the case of a corner lot where the side yard on the road or street shall not be less than 50 feet.
 3. *Rear yard.* Not less than 50 feet.
 4. The above requirements shall apply to every lot, building or structure.
- f. *Height.* The following height requirements shall apply in this district:
 1. For dwelling and nonfarm buildings and structures. No dwelling or nonfarm building or structure shall exceed a height of 2½ stories or 35 feet.
- g. *Required off-street parking.* As required in article 9.

ARTICLE 11A. - AB—AGRICULTURAL/BUSINESS DISTRICT

Section 11A.01. - Purpose.

The purpose of this district is to provide for limited areas within the township where more intensive, business-related agricultural activities may occur. As traditional agricultural areas have been impacted by the encroachment of residential uses, more intensive agricultural uses have become incompatible. In addition, many of the existing agricultural uses have expanded or diversified in a manner that increases this incompatibility, resulting in the need to separate these uses. This can be accomplished through a separate district with increased site development standards, such as lot area and setbacks from other residential development areas.

Section 11A.02. - Permitted uses.

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

- a. General and specialized farming and agricultural activities, including, but not limited to, the raising and growing of crops, livestock, poultry and other farm animals, products and foodstuffs. Such permitted uses shall not include intensive livestock operations, agribusiness or any other use specifically listed as a conditional use in this ordinance.
- b. Farm dwellings, provided the parcel meets the site development requirements for the district and the owner or resident has some involvement with the agricultural operation or other permitted use.
- c. Riding academies or stables for the raising or keeping of horses, cattle, hogs, goats or other similar livestock.
- d. Family child care home.
- e. Veterinary clinic, animal hospital or similar facilities for the care of animals.
- f. An accessory building or structure.
- g. A sign, in accordance with the regulations specified in article 8.
- h. Commercial kennel for the boarding of domesticated animals.
- i. Roadside stand, provided the majority of the products to be sold are raised on the premises and any other products are consistent with the farm operation.
- j. Home occupation.
- k. Farm machinery sales, service, rental and repair, provided the repair activities on outside equipment (not used in the farm operation) does not exceed 25 percent of the total repair activity.

Section 11A.03. - Conditional uses.

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this district subject to obtaining a conditional use permit as provided in article 10:

- a. The removal, extraction or mining of minerals or other natural deposits including sand, soil, or gravel.
- b. Private airport or landing strip.
- c. High-density animal feeding or intensive livestock operations subject to the standards established by the Michigan Department of Agriculture (MDA) Generally Accepted Agricultural Management Practices (GAAMPs).
- [d.—f. Reserved.]
- g. Other agribusiness, subject to section 10.24, including, but not limited to:
 1. Bulk feed, seed or fertilizer outlet or distribution center.
 2. Grain elevator for storage, drying and sales.
 3. Grain or livestock trucking facilities.
 4. Livestock auction facilities.
 5. Dairy production and processing operations.
- h. Equestrian facilities including indoor arenas.
- i. A medical marijuana grower as authorized by Article IV of Chapter 18 of the Emmett Charter Township Code of Ordinances.

(Ord. No. 1-2018, § 4, 3-22-2018; Ord. No. 5-2018, § 4, 9-13-2018)

Section 11A.04. - Site development regulations.

- a. *Lot area.* No building or structure shall be established on any lot less than 40 acres.
- b. *Lot width.* The minimum lot width, measured at the road frontage, shall be not less than 660 feet.
- c. *Lot coverage.* The maximum lot coverage shall not exceed 15 percent.
- d. *Minimum floor area.* The minimum floor area for a one-story dwelling shall be 960 square feet. The minimum first floor area for a two-story dwelling shall be 550 square feet.
- e. *Yard and setback requirements.*
 1. Front yard. Not less than 75 feet from the right-of-way line, as verified by the Calhoun County Road Commission.
 2. Side yards. Least width of either side yard shall be 50 feet.
 3. Rear yard. Not less than 50 feet.
 4. No building or structure shall be located within 100 feet of any existing residence.
 5. The above requirements shall apply to all buildings and structures, but shall allow for the fencing of pasture or cropland along the parcel boundary.
- f. *Height.* The following height requirements shall apply in this district:
 1. Farm dwellings shall not exceed a height of three stories or 40 feet.
- g. Required off-street parking [is] subject to the provisions of article 9.

ARTICLE 12. - RA—LOW DENSITY RESIDENTIAL DISTRICT

Section 12.01. - Purpose.

The purpose of this district is to provide areas for residential development on lots of sufficient size to both accommodate private well and septic systems yet provide sufficient density for future extensions of public sewer and water systems. It is also the purpose of this district to protect and stabilize the essential character of these areas, in order to promote and encourage suitable environments for single-family development. In addition, other uses compatible with areas of increased residential development, such as schools, may be allowed within this district.

Section 12.02. - Permitted uses.

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

- a. Single-family dwelling.
- b. Family child care home.
- c. A sign, only in accordance with the regulations specified in article 8.
- d. An accessory use, building(s) or structures(s).
- e. State licensed residential facilities other than adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
- f. Home occupations.

Section 12.03. - Conditional uses.

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this district subject to obtaining a conditional use permit as provided in article 10:

- a. Golf course, golf driving range, country club, swimming and/or recreation clubs, public and private park and playground.
- b. Churches and community and governmental buildings.
- c. Public and private nursery school; primary and secondary school or their affiliated uses.
- d. Planned unit residential development/residential cluster subdivision.
- e. Essential service structures as provided in section 10.18.
- f. Crafting houses involving the use of an existing residence for purpose of activities or hobbies involving the making of decorative articles by hand for commercial and/or recreational purposes but limited to art and crafting activities such as scrap booking, oil and watercolor painting, pencil coloring, basket weaving, knitting and crocheting, stamping, quilting, jewelry making, and other activities or hobbies involving the creation of decorative articles by hand.

(Ord. No. 1-2016, § 1, 10-13-2016)

Section 12.04. - Regulations.

The following regulations shall apply in all RA—low-density residential districts:

- a. *Lot area*. No building shall be established in this district on any lot less than 30,000 square feet.
- b. *Lot width*. The minimum lot width shall be 100 feet.
- c. *Lot coverage*. The maximum lot coverage shall not exceed 25 percent.
- d. *Minimum floor area per dwelling unit*. The minimum first floor area for a one-story single-family dwelling shall be not less than 960 square feet.
- e. *Yard and setback requirements*.
 1. Front yard. Not less than 40 feet.
 2. Side yards. Least width of either yard shall not be less than 20 feet, except in the case of a corner lot where the side yard on the road or street shall not be less than 40 feet.
 3. Rear yard. Not less than 40 feet, except when the rear yard abuts a water body, then not less than 150 feet.
 4. The above requirements shall apply to every lot, building or structure.
- f. *Height*.
 1. For buildings and structures. No building and no structure shall exceed a height of 2½ stories or 35 feet.
 2. For detached accessory buildings. No detached accessory building shall exceed a height of 25 feet.
- g. *Required off-street parking*. As required in article 9.

ARTICLE 13. - RB—MEDIUM-DENSITY RESIDENTIAL DISTRICT

Section 13.01. - Purpose.

The purpose of this district is to provide a stable environment for medium density residential development with suitable open space. This district shall generally be located on the fringe of urban-type development, providing some transition from commercial and higher-density residential districts and low-density residential. The district allows flexibility of lot size dependent upon the availability of public sewer and water services. It is anticipated that new development will occur in areas planned for such use and that public utilities will be available or extended to meet this need.

Section 13.02. - Permitted uses.

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

- a. Single-family dwelling.
- b. An accessory use building(s) or structure(s).
- c. Family child care home.
- d. A sign, only in accordance with the regulations specified in article 8.
- e. State licensed residential facilities other than adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

Section 13.03. - Conditional uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in article 10:

- a. Two-family dwellings.
- b. Home occupations.
- c. Public and private nursery school and/or day care center, primary and secondary school.
- d. Church and community and governmental buildings.
- e. Planned unit development which includes the potential for mixed use.
- f. Essential service structures.
- g. Special temporary uses.
- h. Group care home.

Section 13.04. - Regulations.

The following regulations shall apply in all RB—medium-density residential districts:

- a. *Lot area*. Where a lot is served with a central sanitary sewage system, there shall be provided a minimum of 15,000 square feet of lot area for each single-family dwelling unit. Where a lot is not so served, there shall be provided a minimum of 30,000 square feet of lot area for each single-family dwelling unit. The minimum lot area for all other non-residential buildings and structures shall be one acre.
- b. *Lot width*. The minimum lot width for lots served with a central water supply system or a central sanitary sewage system shall be 75 feet. Where a lot is not so served, the minimum lot width shall be 100 feet.
- c. *Lot coverage*. The maximum lot coverage shall not exceed 30 percent.
- d. *Minimum floor area per dwelling unit*. The minimum first floor area for a one-story single-family dwelling shall be not less than 960 square feet.

- e. *Yard and setback requirements.*
 - 1. *Front yard.* Not less than 30 feet.
 - 2. *Side yards.* Least width of either yard shall not be less than ten feet, except in the case where the side yard on the road or street shall not be less than 30 feet.
 - 3. *Rear yard.* Not less than 30 feet.
- f. *Height.* The following height requirements shall apply in this district:
 - 1. *For buildings and structures.* No building and no structure shall exceed a height of 2½ stories or 35 feet.
 - 2. *For detached accessory buildings.* No detached accessory building shall exceed a height of 25 feet.
- g. *Required off-street parking.* As required in article 9.

ARTICLE 13A. - MH—MANUFACTURED/MOBILE HOME PARK DISTRICT

Section 13A.01. - Purpose.

The purpose of this district is to provide an area or areas within the township where manufactured housing and mobile home park development can occur consistent with the standards established by the State of Michigan Mobile Home Commission. Such areas shall be consistent with areas in the Emmett Township Master Land Use Plan designated for manufactured home park development. Access to a public sanitary sewerage system would be required unless a private centralized wastewater system can be developed with the approval of the Calhoun County Health Department, and can be connected to a public system at some future date.

Section 13A.02. - Permitted uses.

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

- a. Mobile home park.
- b. Manufactured housing community.
- c. Accessory buildings and uses, including clubhouse facilities.
- d. Family child care home.
- e. State licensed residential facilities other than adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

Section 13A.03. - Conditional uses.

The following uses of parcels are permitted in this district subject to obtaining a conditional use permit as provided for in article 10:

- a. Planned unit residential development.
- b. A public or private park, playground, golf course or other recreational facility compatible and secondary to the primary residential use within the development.

Section 13A.04. - Regulations.

The following regulations are intended to define the overall parcel size and maintenance of the perimeter of the site in order to protect and preserve the intended use and buffer such use from surrounding land use:

- a. *Parcel area.* The minimum parcel area shall be 20 acres.
- b. *Parcel width.* The minimum width of the parcel fronting on a public street or road shall be 330 feet.
- c. *Setback of buildings.* No buildings or structures shall be located within 50 feet of an adjoining property line, with such area landscaped or screened to preserve the integrity of both uses.

ARTICLE 14. - MF—MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Section 14.01. - Purpose.

The purpose of this district is to provide for various types of multiple-family residential dwellings and group developments at a high density, but under specific density controls. The requirements of this district are intended to recognize that various forms of residential development are desirable. The regulation of such development is intended to prevent congestion of the public streets, reduce hazards to life and property, provide desirable light and air, and provide for adequate open spaces and basic amenities. These districts will generally be located in areas of concentrated urban development on or near major streets, and should be served by public sewage systems and other appropriate urban facilities and services, particularly fire protection systems. There is no intent to promote by these regulations a district of lower quality of desirability than any other residential district, although a greater variety of dwelling types is permitted herein.

Section 14.02. - Permitted uses.

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

- a. Multiple dwellings.
- b. Two-family dwellings.
- c. Public and private parks, playgrounds and play fields.
- d. Accessory use, building(s) or structure(s).
- e. Family child care home.
- f. State licensed residential facilities other than adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

Section 14.03. - Conditional uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in [article 10](#):

- a. Group housing and garden apartment development.
- b. Planned unit development which includes the potential for mixed use.
- c. Essential service structures.
- d. Group child care home.
- e. Limited residential care facilities.

- f. Office uses.

Section 14.04. - Minimum lot areas.

In the MF—multiple-family residential district, every multiple dwelling or group of buildings within a group housing development hereafter constructed or structurally altered shall be located on lots of no less than specified in the following schedule, unless otherwise provided herein:

- a. One acre for the first dwelling unit or each multiple-family dwelling structure.
- b. 3,000 square feet for each additional dwelling unit containing two or more bedrooms.
- c. 2,000 square feet for each additional dwelling unit containing less than two bedrooms.

Section 14.05. - Minimum lot width.

All lots shall have a minimum width of 300 feet along the street upon which such lot principally fronts, except in the case where a curvilinear street pattern results in irregularly shaped lots with nonparallel side lot lines, a lesser frontage width at the street line may be permitted, provided that in no case shall the frontage width be less than 200 feet nor shall the lot width at the building line be less than 300 feet.

Section 14.06. - Maximum lot coverage.

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

Section 14.07. - Minimum yard dimensions.

- a. *Front yard.* There shall be a front yard having a depth no less than 35 feet, provided that where established buildings on adjacent lots vary from this minimum, a new building shall be constructed with a front yard of no less depth than the average front yards for those buildings located on each side of the proposed building; provided further that this provision shall not be interpreted to require a front yard of more than 40 feet nor less than 25 feet.
- b. *Side yards.* There shall be a minimum side yard of 20 feet, provided that no building shall be located less than 40 feet from the boundary of the single-family residential district, except in the case of a corner lot where the street side yard shall be no be less than the minimum residential front yard requirement along such street.
- c. *Rear yard.* There shall be a rear yard of no less than 35 feet.

Section 14.08. - Maximum building height.

No building or structure shall exceed 35 feet in height. Accessory buildings shall not exceed 15 feet in height.

Section 14.09. - Minimum living space.

The minimum square footage of interior living space, exclusive of any areas contained within attached garages, porches, balconies, or common hallways, required for each family shall be as specified in the following schedule:

- a. *Two-family dwellings.* 600 square feet of floor area at ground level per family for single-story dwellings, and 360 square feet of floor area at ground level per family for dwellings over one story in height, provided that

the total area shall not be less than 600 feet per family.

- b. *Multiple-family dwelling of three or more dwelling units.* The minimum square footage of living space shall include the following, in addition to a bath, utility room, storage space, and other general space requirements, and exclusive of closets, halls and offset entrances:

Number of Bedrooms	Square Feet of Floor Area
0	350
1	450
2	600
3	800
4	1,000

ARTICLE 14A. - LC—LOCAL COMMERCIAL DISTRICT

Section 14A.01. - Purpose.

The purpose of this district is to provide for various types of uses that provide for transition and support adjoining residential areas. This district is composed of smaller retail commercial businesses, office uses and residential uses where natural transition to commercial is occurring. Such uses are typically located in a neighborhood commercial center that has expanded onto former residential lots. Due to the ability to redevelop smaller residential lots, site plans should identify suitable parking and appropriate landscape treatment to buffer adjoining residential properties. Hours of operation are intended to follow more compatible hours from 6:00 a.m. to 10:00 p.m. Uses with hours of operation extending beyond those times shall be considered conditional uses within this district. All commercial development within this District shall be serviced by a public water supply and a public sanitary sewer. The public water supply shall be capable of providing fire protection meeting standards of the Michigan Insurance Services Office (ISO) and codes promulgated by the National Fire Protection Association (NFPA) and shall be further capable of meeting these standards for existing and planned land uses within the residential neighborhoods having proximity to the commercial center. The sanitary sewer service shall have capacity to collect wastewater from the center together with existing and planned land use for the entire service area of the sanitary sewer district in which sewers are located. Mixed-use and new residential construction shall also be a conditional use within this district.

Section 14A.02. - Permitted uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district: small retail business; including drug store, hardware store, gift shop or craft store.

- a. Small retail business; including drug store, hardware store, gift shop or craft store.
- b. Professional offices; including real estate, accounting, or law office.
- c. Personal services; including barber or beauty salon, small medical or dental practice or similar services.
- d. Food services; including a grocery store, bakery, fruit market or similar service.
- e. Accessory use, building(s) or structure(s).
- f. Gasoline service station and automobile repair facilities, including auto body shops and painting booths, so long as located within a fully enclosed structure and meeting all requirements and regulations pertaining to the Environmental Protection Agency's National Emission Standards for Hazardous Air Pollutants (NESHAP).

(Ord. No. 2-2018(2), § 1, 7-12-2018)

Section 14A.03. - Conditional uses.

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in article 10:

- a. Drive-in or drive-through retail or service establishments, including fast food restaurant, bank, car wash or similar use.
- b. Liquor store, restaurant, convenience store or similar use where alcohol sales may occur and hours of operation extend beyond those typically compatible with adjoining residential use. Gasoline service station, excluding automotive repair facilities. Larger medical or dental practice or clinic, veterinary hospital or animal clinic.
- c. Mixed-use development, including use of an existing residence for both commercial and residential purposes, or under planned unit development.
- d. New residential construction, including single-family and two-family units.
- e. Limited residential care facilities.
- f. A marijuana processor as authorized by Article IV of Chapter 18 of the Emmett Charter Township Code of Ordinances.
- g. A marijuana provisioning center as authorized by Article IV of Chapter 18 of the Emmett Charter Township Code of Ordinances.
- h. A marijuana secured transporter as authorized by Article IV of Chapter 18 of the Emmett Charter Township Code of Ordinances.
- i. A marijuana safety compliance facility as authorized by Article IV of Chapter 18 of the Emmett Charter Township Code of Ordinances.
- j. New and used vehicle sales and service.

(Ord. No. 1-2018(2), § 5, 3-22-2018; Ord. No. 2-2018(2), § 2, 7-12-2018; Ord. No. 5-2018, § 5, 9-13-2018)

Section 14A.04. - Regulations.

The following site development regulations shall apply in all LC—local commercial districts:

- a. *Lot area*. The minimum lot area shall be 20,000 square feet.
- b. *Lot width*. The minimum lot width shall be 100 feet.

- c. *Lot coverage.* The maximum lot coverage shall be 25 percent.
- d. *Yard and setback requirements.*
 - 1. *Front yard.* Not less than 30 feet.
 - 2. *Side yards.* Least width of either side yard shall be 15 feet, except in the case of a corner lot where the front yard setback of 30 feet shall apply.
 - 3. *Rear yard.* Not less than 30 feet.
- e. *Height.* The height of the buildings shall be determined by the height of adjacent buildings or residences and the ability to buffer and landscape, provided no building exceeds a height of 35 feet.
- f. *Required off-street parking.* As required in article 9.

ARTICLE 15. - GC—GENERAL COMMERCIAL DISTRICT

Section 15.01. - Purpose.

It is the purpose of this district to provide for convenient retail and personal service establishments that cater to the day-to-day needs of families residing within the township or surrounding area. All commercial development within this District shall be serviced by a public water supply public sanitary sewer. The public water supply shall be capable of providing fire protection meeting standards of the Michigan Insurance Services Office (ISO) and codes promulgated by the National Fire Protection Association (NFPA) and shall be further capable of meeting these standards for existing and planned land uses within the residential neighborhoods having proximity to the commercial center. The sanitary sewer service shall have capacity to collect wastewater from the center together with existing and planned land use for the entire service area of the sanitary sewer district in which sewers are located. It is the basic intent of this district to encourage future commercial development within planned areas rather than on scattered sites, but also to provide for those necessary services which are most appropriately and conveniently located to more than one residential neighborhood.

Section 15.02. - Permitted uses.

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

- a. Clothing and apparel services, including laundry pickup, dressmaking, millinery, tailor shops and shoe repair shops.
- b. Food services including grocery, meat market, bakery, restaurant, delicatessen and fruit market, ice-o-mats and similar self-service units.
- c. Personal service, including barber shops and beauty salons, medical and dental clinics, music studios, banks and savings and loan associations.
- d. Retail services, including drugstores, hardware, gift shop and dry goods and notions stores.
- e. Souvenir and gift shop, public information booth.
- f. Motel, hotel.
- g. Business and professional office, including, but not limited to, medical, legal, engineering, accounting, financial and insurance offices.
- h. Equipment services, including repair: radio and television, electrical appliance shop, plumber, electrician and other similar services and trades.

- i. Publicly owned museums, libraries, fire stations, administrative buildings and other public buildings.
- j. Retail and service establishments of a drive-in or drive-through nature except gasoline service stations.
- k. An accessory use, building(s) or structure(s).
- l. A sign, only in accordance with the regulations specified in article 8.
- m. Animal hospital or clinic.
- n. Gasoline service stations, including minor repair facilities.
- o. New and used vehicle sales and service and/or body shops.
- p. Planned drive-in plaza.
- q. Open air display area for the sale of manufactured products, such as or similar to garden furniture, earthenware, hardware items and nursery stock, or the rental of manufactured products or equipment, small tool, pneumatic tired two- and four-wheel utility trailers, pneumatic-transit cement mixers, wheelbarrows, rollers and similar products or equipment.
- r. Wholesale businesses; provided that no manufacturing, processing, fabrication, or assembling of goods shall be permitted.
- s. Wholesale service structure except as provided in article 10.
- t. Dry cleaning and laundry establishments provided that customer's presence on premises is required to transact business.
- u. Frozen food lockers.

Section 15.03. - Conditional uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in article 10:

- a. Places of amusement, entertainment or recreation such as dancehall, bowling alley, establishment serving alcoholic beverages, miniature golf, commercial swimming pool, drive-in theater and electronic arcades.
- b. Temporary building or trailer office or semi-trailer for use while erecting a building for use in a business.
- c. Ministorage rental facility.
- d. Funeral establishments or mortuary.
- e. Tourist homes, boarding houses, rooming houses and full residential care facilities.
- f. Parking garages, auto storage garages, trucking and cartage facilities, truck storage.
- g. Agricultural services including machinery sales and repair.
- h. Special temporary uses.
 - i. Flea markets.
 - j. Telecommunication towers as provided in section 10.27 of this ordinance.
- k. Woodworking shops, including shops engaged in the onsite assembly and sale of lawn furniture, docks, cabinets, and other wood products.
 - l. A marijuana processor as authorized by Article IV of Chapter 18 of the Emmett Charter Township Code of Ordinances.
- m. A marijuana provisioning center as authorized by Article IV of Chapter 18 of the Emmett Charter Township

Code of Ordinances.

- n. A marijuana secured transporter as authorized by Article IV of Chapter 18 of the Emmett Charter Township Code of Ordinances.
- o. A marijuana safety compliance facility as authorized by Article IV of Chapter 18 of the Emmett Charter Township Code of Ordinances.
- p. Single-family dwellings.

(Ord. No. 1-2017(2), § 3, 6-8-2017; Ord. No. 1-2018(2), § 6, 3-22-2018; Ord. No. 5-2018, § 6, 9-13-2018; Ord. No. 3-2019, § 1, 11-14-2019)

Section 15.04. - Regulations.

The following regulations shall apply in all "GC"—general commercial districts:

- a. *Lot area.* No building or structure shall be established on any lot less than 30,000 square feet.
- b. *Lot width.* The minimum lot width shall be 150 feet.
- c. *Lot coverage.* The maximum lot coverage shall not exceed 25 percent.
- d. *Yard and setback requirements.*
 - 1. Front yard. Not less than 40 feet.
 - 2. Side yard. The width of either yards shall not be less than 25 feet, except in the case of a corner lot or parcel where the side yard on the road or street shall not be less than 40 feet.
 - 3. Rear yard. Not less than 30 feet.
 - 4. The above yard requirements shall apply to every lot, building or structure.
- e. *Height.* No building or structure shall exceed a height of 25 feet, with the height increasing one foot per each one foot of additional setback up to a maximum height of 35 feet.
- f. *Greenbelt buffer.*
 - 1. A greenbelt buffer shall be provided in accordance with the regulations specified in section 6.07.
 - 2. A use or structure on any lot in this district fronting a public road, street, or way shall provide in addition to and as an integral part of any site development, on the front yard, a landscaped strip of land 20 feet or more in depth; such landscaped strip to be defined and designed to provide access to the lot and separate off-street parking areas from the public right-of-way.
- g. *Required off-street parking.* The planning commission, upon showing that the parking standards are excessive to meet practical needs associated with the proposed use, may waive up to 20 percent of the required parking. All other standards shall be as required in article 9.

ARTICLE 15A. - RC—REGIONAL SERVICE COMMERCIAL DISTRICT

Section 15A.01. - Purpose.

The purpose of this district is to provide for large-scale and center-type commercial development having a metropolitan or regional trade area. This type of development is appropriate to situate near or adjacent to an interchange, on a site having direct access to a state trunk line or country primary roadway. All commercial development within this district shall

be serviced by a public water supply and a public sanitary sewer. The public water supply shall be capable of providing fire protection meeting standards of the Michigan Insurance Services Office (ISO) and codes promulgated by the National Fire Protection Association (NFPA) and shall be further capable of meeting these standards for existing and planned land uses within residential neighborhoods having proximity to the commercial center. The sanitary sewer service shall have capacity to collect wastewater from the center together with existing and planned land use for the entire service area of the sanitary sewer district in which the sewers are located. It is expected that commercial development occurring within this district will be of superior quality as to appearance, function and on-going maintenance.

Section 15A.02. - Permitted uses.

The following uses are permitted by right in this district, subject to applicable site development standards and site plan review by the planning commission:

- A. Shopping center.
- B. Department store or "big box" retailer.
- C. Hotel and motel.
- D. Free-standing restaurant.
- E. Office.
- F. Retail and discount stores for the sale of consumer products such as but not limited to hardware, paint, clothing, shoe store, grocery store, drugs, notions, gifts, books and jewelry.
- G. Business service establishments such as but not limited to office supplies, office machine sales/service, copy and printing services and similar business services.
- H. Personal service establishments such as but not limited to hair and beauty salon, barber, manicurist, and similar uses.
- I. Professional service establishments such as but not limited to doctor, dentist, attorney and realtor but not laboratories, medical center or other non-office functions.
- J. Financial institution or equity brokerage house.
- K. Gas station and/or convenience store as part of a planned development, not including vehicle repair or service.
- L. Convention center.
- M. Indoor commercial recreation establishment.
- [N. Reserved.]
- O. Theaters, concert halls or similar places of assembly when conducted completely in enclosed buildings.

Section 15A.03. - Conditional uses.

The following uses may be permitted following approval of a conditional use permit as provided in article 10:

- A. Any business having customer services at an automobile drive-through window or dispensing machine or automated teller or customer service unit within 200 feet of a residence or residential zone.
- B. Restaurants or similar uses where the majority of customers remain within their vehicles for service, including drive-in theaters.
- C. Telecommunications towers in accordance with section 10.27 of this ordinance.

- D. A marijuana processor as authorized by Article IV of Chapter 18 of the Emmett Charter Township Code of Ordinances.
- E. A marijuana provisioning center as authorized by Article IV of Chapter 18 of the Emmett Charter Township Code of Ordinances.
- F. A marijuana secured transporter as authorized by Article IV of Chapter 18 of the Emmett Charter Township Code of Ordinances.
- G. A marijuana safety compliance facility as authorized by Article IV of Chapter 18 of the Emmett Charter Township Code of Ordinances.

(Ord. No. 1-2018, § 7, 3-22-2018; Ord. No. 5-2018, § 7, 9-13-2018)

Section 15A.04. - Site development standards.

The following site development standards shall apply in all "RC" districts:

- A. *Minimum lot area.*
 - 1. Shopping center with 100,000 square feet or less, three acres.
 - 2. Shopping center with 100,000 square feet or more, five acres.
 - 3. Free-standing department store or big box retailer, two acres.
 - 4. Convention center, five acres.
 - 5. All other uses, 1½ acres, unless incorporated as part of a unified site for which an overall site development plan has been approved by the planning commission.
- B. *Lot coverage.* The maximum building area to lot area coverage ratio shall be 25 percent. The combined building and paved surface coverage on any lot or parcel shall not exceed 85 percent of lot area when no on-site stormwater detention is required nor more than 75 percent of lot area when on-site stormwater detention is required.
- C. *Setback requirements.*
 - 1. Shopping center, department store or big box retailer shall not be closer than 125 feet to any property line where abutting a residential district or use.
 - 2. Free-standing building in connection with shopping center.
 - a. Roadside setback of 30 feet without front yard parking or 75 feet if front yard parking included on the site.
 - b. Side yard not less than 50 feet each side when abutting a residential district or use; otherwise 20 feet.
 - c. Rear yard of not less than 50 feet when abutting a residential district or use; otherwise, 20 feet.
 - 3. All other buildings/uses.
 - a. Front yard not less than 50 feet.
 - b. Side yard not less than 50 feet each side when abutting a residential district or use; otherwise 20 feet.
 - c. Rear yard not less than 50 feet when abutting a residential district or use; otherwise 20 feet.
- D. *Building height.* The height of any building or structure constructed in this district shall not exceed 45 feet, except as otherwise provided in this ordinance. Upon planning commission approval, building height may be increased one foot for each foot of additional setback up to a maximum of 60 feet.
- E. *Off-street parking and loading.*

1. Off-street parking for planned commercial shopping centers shall be provided at a ratio of not less than five 1,000 square feet of gross leasable floor area. All other uses in the RC district shall provide parking per article planning commission, upon a showing that the parking standards are excessive to meet practical needs associated with the proposed use, may waive up to 20 percent of the required parking.
2. Loading spaces shall be provided as required in section 9.07 of this ordinance. Whenever it is demonstrated to the planning commission that fewer loading spaces or loading docks than required by this ordinance will adequately serve the building, the commission may permit fewer loading spaces. Loading areas shall be screened as to view from any public street or any area planned for or used for residential use. Such screening shall consist of earthen berm or earth embankment in combination with evergreen trees of sufficient height to screen completely any vehicle or trailer located within the loading space. Fences or screening walls in combination with evergreen plantings may be approved at the planning commission's discretion if site considerations preclude the use of berms, and if appropriate screening can be achieved.

Semi-truck/trailers on site shall not be left idle while waiting to load or unload goods or while parked anywhere on the site. The truck access route across the site to the loading area shall be clearly identified using approved traffic control signage.

- F. *Landscaping and screening.* Landscaping and screening shall be provided as required within article 7A of this ordinance.
- G. *Site drainage.* All portions of the site shall be adequately drained and shall comply with the Water Resources Commissioner's Storm Water Management Standards. When public drains are available, the site drainage system shall be of adequate capacity to meet a 25-year storm frequency with on-site detention and shall have a public drain outlet adequate to meet a 25-year storm frequency. The drainage system shall provide for sediment basins to capture silt prior to the stormwater leaving the site. Where public drains are not available, on-site retention shall be provided in such a way as to preclude drainage of water onto adjacent property or toward buildings and shall be subject to engineering approval by the township or the designee. All open storm water retention/detention facilities shall have side slopes not more than one-foot vertical distance for each three feet of horizontal distance from the bottom of the basin to the highest bank elevation surrounding the basin. In addition, all stormwater retention/detention areas shall be designed into the site landscape as an aesthetic feature for the site. Square or rectangular design of these basins is not acceptable, rather they shall be curvilinear or free-form in shape.
- H. *Outdoor storage/display.* Whenever permanent outdoor storage or display of materials or merchandise for sale is proposed for any portion of a development site, the area of such storage or display shall be enclosed by a wall or fence not less than eight feet in height. Permanent outdoor storage and display may not occur anywhere else on the site unless enclosed by a wall or berm as prescribed in this section and only after site plan amendment and approval of the planning commission.

If designated on the final site plan for the complete development, an area for the temporary display and sale of seasonal merchandise such as Christmas trees, pumpkins and fireworks and similar items within a parking lot may be permitted upon approval of the site plan by the planning commission. The seasonal display area shall not obstruct pedestrian or vehicular circulation or access to fire hydrants or designated fire lanes. The seasonal display area shall not be operated, nor shall materials be displayed, more than four months in any calendar year.

- I. *Building architecture.* All new buildings and structures built in this district shall be designed to incorporate architectural design with a natural appearance that is harmonious with surrounding buildings and the landscaped environment. The exterior shall be constructed using horizontal wood siding, wood, stone brick, brick veneer or masonry other than and/or painted cement blocks which are prohibited on any wall face. The use of vinyl or aluminum siding is accepted provided it simulates the appearance of horizontal wood siding. Large unbroken wall masses are to be avoided. Building orientation should incorporate a campus-type atmosphere. The planning commission may consider any alternative materials or designs which achieve the same desired appearance.
- J. *Permitted signs.* Within this district, signs not expressly permitted are prohibited. Permitted signs include:
 1. *Wall sign.* Each wall sign installed in this district shall be internally lit. A wall sign is permitted for each exterior wall of a building housing a single business and for each separate storefront within a building having more than one business within its walls. A wall sign may not project more than 18 inches from the wall on which it is mounted and shall not be less than eight feet above the ground. The combined area of all wall signs shall not exceed ten percent of the wall to which it is affixed. A wall sign may not be placed so as to extend above the roofline of the building to which it is attached nor may it be mounted on the roof deck.
 2. *Ground-mounted, free-standing sign; shopping center.* One ground-mounted, free-standing sign shall be permitted for each approved shopping center. If the center has more than one public road frontage, then one sign shall be permitted for each such road frontage. The sign(s) location shall be shown on the required final site plan. The sign shall be mounted on and attached to a permanent, in-ground, frost-free base. The sign shall have a uniform width throughout its total height. The maximum sign size for a shopping center shall be 300 square feet. This sign may incorporate the name of the center and one or more names identifying tenants. A separate sign identifying any one tenant of the center is specifically prohibited. All such signs shall be internally illuminated. The setback for the center identifying sign shall be 15 feet from any public road right-of-way line and/or private road pavement edge.
 3. *Ground-mounted, free-standing sign; building having one business.* One ground-mounted, free-standing sign shall be permitted for each unattached building. If the building site has more than one public road frontage, then one sign shall be permitted for each such road frontage. The sign(s) specific location shall be shown on the required final site plan. The sign shall be mounted on and attached to a permanent, in-ground, frost-free base. The sign shall have a uniform width throughout its total height. The maximum sign size for any individual building under 40,000 square feet shall be 120 square feet. The maximum sign size for any individual building over 40,000 square feet shall be 180 square feet. All permitted signs shall be internally illuminated. The setback for the business identifying sign shall be 15 feet from any public road right-of-way line and/or private road pavement edge.
 4. *Traffic control signs.* Traffic control signs along private drives and on private property. All such signs not located in a public road right-of-way shall be designed and located in accordance with the Michigan Manual of Uniform Traffic Control Devices.
 5. *Informational signs.* When more than one business is located within a building, wall-mounted or free-standing informational signs not exceeding ten square feet are permitted to identify each such business. Such sign shall be located within 30 feet of the entrance to each business.
- K. *Private roads and driveways.* Private roadways on commercial development sites which are not within a parking lot and which are intended in part for semi-truck operations shall be constructed using deep-strength pavement specifications. On the perimeter of a parking area, the roadway shall be separated from any

parking space by a raised concrete curb and shall have not less than ten feet of separation between the roadway and any vehicle parking space, which can be used to accommodate required landscaping.

- L. *Pedestrian circulation/bus stop.* For any planned shopping center, a bus stop/shelter may be required at a location on the [site] specifically approved by the planning commission on advice of the Battle Creek Area Transit Authority. A sidewalk and/or marked pedestrian way shall be provided from the main entry to the bus stop.
- M. *Site lighting.* Lighting for all sites in this district shall conform to the following standards:
1. Light fixtures and the standards to which they are mounted shall not exceed a height of 35 feet for the interior areas of parking lots and entrances to public streets; and shall not exceed 25 feet for perimeter lighting.
 2. All light fixtures shall be of a design having hoods or shields and oriented so light does not shine directly onto an adjoining property, public roadway or be set in such a manner as to cause visual interference with the motoring public.
 3. Proposed site lighting levels shall be depicted on a site illumination plan to be submitted with the required final site plan.
- N. *Vehicular access management.*
1. *Intent and purpose.* This section is intended to regulate the number, location, and design of access points onto a county primary road or state trunk line highway from property located in this zoning district. The standards within this section are intended to assist in preserving traffic-carrying capacity of the roadway serving large-scale commercial development and lessen the potential for accidents. The standards are further intended to (a) minimize disruptive and potentially hazardous traffic conflicts and side friction along the thoroughfare thereby reducing the frequency of fatal injury and property damage accidents, (b) provide practical spacing between access points and between access points and intersections, (c) establish uniform standards within this district to ensure fair and equal treatment among the several property owners of business, (d) implement the goals and policies of the Emmett Charter Township Master Plan and (e) assure coordinated land access decisions as between the Michigan Department of Transportation, the Calhoun County Department of Community Development and Emmett Charter Township.
 2. *Definitions.*
 - a. *Access point.* An access point includes vehicular access (driveway, private road or public road) except for those serving one- or two-family dwellings or serving an essential public utility structure.
 - b. *Corridor.* Any segment of a county primary roadway or state trunk line highway which abuts this zoning district. The corridor for purposes of this ordinance shall include all road right-of-way and abutting lands.
 - c. *Road agency.* The agency with jurisdiction over the road segment(s) abutting or lying within this zoning district.
 - d. *Service drive.* A drive designated to provide shared access to specific access points along the public roadway within the corridor, said drive used by one or more parcels, buildings or developments within the corridor. A service road is generally parallel to the public roadway within the corridor along either the front or rear of private property, but may be perpendicular or have an alternative alignment.

3. *Special access approval process for new development within this district.* To assure uniform and consistent township and the road agency, the following procedure shall be followed: (a) an applicant for a new access point shall submit a site plan, preliminary site condominium plan or plat plan to the township who will then forward the plan to the road agency with jurisdiction not less than 21 days prior to the township planning commission meeting at which the plan is to be considered. If not submitted in the time prescribed, the plan review shall be scheduled for a subsequent meeting of the commission; and (b) the applicant may also be required to submit a traffic impact study as described hereafter with specific design of the access point. The planning commission will receive the requirements of the road agency with respect to their [its] site plan review and incorporate this review as part of the Emmett Township review process.
4. *Number of access points.* The number of access points (commercial driveways) serving a property shall be the minimum number necessary to provide reasonable access while preserving traffic operations and safety along the public roadway. Access may be required via an individual access point, shared access or service drive or access via a shared service drive.

One access point along the corridor segment shall be allowed for each 400 feet of public road frontage. Any parcel having less than 400 feet shall join with an abutting property to effect a shared access point or service drive. All access points shall be designed and constructed to standards required by the road agency.

Access points will not be permitted to locate closer than 300 feet to an intersection of two public roads, as measured along the right-of-way line, nor shall such access point be located closer than 300 feet to the intersection of a public road and private road, as measured along the right-of-way line to the edge of pavement of a private road.

Based on a complete traffic impact study provided by the applicant, the planning commission and the road agency may agree additional access can be had without compromising safety or traffic operations along the public roadway. The traffic impact study shall be prepared by a professional engineer or transportation planner and, at a minimum, include the following information: (a) analysis of existing traffic conditions and volume capacity using current data; and (b) projected trip generation at the subject site and along the public road segment to which access is proposed using comparable data from the most recent edition of the Institute of Transportation Engineer's Trip Generation Manual. The township or the road agency may approve use of or request recent comparable data from similar uses in the State of Michigan; and (c) illustrations of current and projected turning movements at the access point(s). Capacity analysis shall be completed based on the most recent version of the Highway Capacity Manual and shall be included as an appendix to the report; and (d) a statement describing how the additional access will meet the intent of this ordinance, assure public safety and preserve traffic-carrying capacity along the roadway including the ability of the applicant to utilize shared access or other alternatives; and (e) qualifications of the author, describing education and prior experience in preparing traffic impact studies in the State of Michigan.

5. *Service drives.* Whenever a service drive is required in lieu of individual access points, the service drive shall be designed, constructed and maintained according to the following standards:
- a. *Width.* Two-way traffic with minimum 24 feet of pavement width.
 - b. *Reciprocal access easement.* The service drive easement shall be recorded with the Calhoun County Register of Deeds and shall describe each parcel of land benefiting from and using the service drive.

- c. *Construction materials.* All construction materials and specifications shall be in accordance with standard Department of Transportation (MDOT).
 - d. *Access points.* The number of access points to the public road from the service drive shall be in accordance with the spacing standards herein; however, the planning commission (or road agency) may allow a temporary access where the service drive is not complete if a performance bond or irrevocable letter of credit is filed with the township and is of sufficient value to assure completion of the service drive within 12 months or as agreed to by the planning commission.
 - e. *Access storage.* Each access point shall provide a minimum of 80 feet of vehicle storage (stacking) from the edge of public street pavement.
 - f. *Parking and loading.* Vehicle parking or loading/unloading functions shall not be permitted within any portion of the service drive.
 - g. *Pavement markings.* Pavement markings (lanes, turn arrows, directional, etc.) are required to assure safe and efficient traffic circulation. The property owner is required to maintain markings in good, visible condition.
6. *Existing development within the district.* In the event of expansion, alteration or redesign of an existing development, all driveway or service road requirements of this ordinance shall be complied with. Where it can be demonstrated that adherence to the requirements of this ordinance would not be possible, the standards may be modified if approved by the planning commission and the road agency but only if the following criteria are met:
- a. Such modification(s) is the minimum amount necessary;
 - b. The modification will meet the intent of this ordinance;
 - c. The use is no more intense as to traffic generation than existed previously;
 - d. The traffic-carrying capacity of the adjacent public road is not impaired;
- A traffic impact study as defined herein is prepared and submitted along with the request for modified standards.

ARTICLE 16. - LI—LIGHT INDUSTRIAL DISTRICT

Section 16.01. - Purpose.

This district is composed of these areas of the township whose principal use is or ought to be light manufacturing and other limited industrial uses. Those uses shall generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants and other harmful or obnoxious matter. This district has been located within the township to permit the development of these industrial uses, to protect adjacent agricultural, residential and commercial areas against the encroachment of unacceptable uses, and to lessen congestion on public streets and highways. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district, have been excluded. All commercial development within this District shall be serviced by a public water supply public sanitary sewer. The public water supply shall be capable of providing fire protection meeting standards of the Michigan Insurance Services Office (ISO) and codes promulgated by the National Fire Protection Association (NFPA) and shall be further capable of meeting these standards for existing and planned land uses within the

residential neighborhoods having proximity to the commercial center. The sanitary sewer service shall have capacity to collect wastewater from the center together with existing and planned land use for the entire service area of the sanitary sewer district in which sewers are located.

Section 16.02. - Permitted uses.

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

- a. Mini-storage warehouse facilities, subject to the conditions in article 10.
- b. Assembly of merchandise such as electrical appliances, electronic or precision instruments and articles of similar nature.
- c. Packaging of previously prepared materials, including recycling and the baling of discards, old iron or other metal, wood lumber, glass paper, rags, cloth or similar materials; provided, however, that if such activities are performed outside of the building, they would only be permitted if behind and under the height of an opaque permanently maintained wall or fence.
- d. Printing, lithographies, blueprinting and similar uses.
- e. Wholesale warehousing and material distribution centers, provided all products and materials are enclosed within a building.
- f. Light manufacturing industrial use which by nature of the materials, equipment and process utilized are to a considerable extent clean, quiet and free from objectionable or dangerous nuisances or hazards including any of the following goods and materials: drugs, jewelry, musical instruments, sporting goods, glass products, small household appliances, electronic products, baked and dairy products, frozen food lockers, advertising displays, tents and awnings, brushes and brooms, cameras and photographic equipment and supplies, wearing apparel, leather products and luggage but not including tanning, and products from such finished materials as plastic, bone, cork, feathers, felt, fiber, paper, glass, hair, horn, rubber, shell or yarn. Other manufacturing uses, including foundries, may be permitted provided that a 50-foot greenbelt is established where abutting a residential zone.
- g. An accessory use, building(s) or structure(s).
- h. Essential service structure.
- i. A sign, only in accordance with the regulations specified in article 8.
- j. Office uses.
- k. Bus, truck, taxi and retail terminals.
- l. Banks.
- m. Gasoline service station and automobile repair.
- n. Contractor's establishment.
- o. Temporary building or trailer office.
- p. Open air display areas for the sale of manufactured products, such as or similar to garden furniture, earthenware, hardware items and nursery stock, or the rental or manufactured products or equipment, small tools, pneumatic-tired two- and four-wheeled utility trailers, household equipment, pneumatic transit cement mixers, wheelbarrows, rollers and similar products or equipment.
- q. Trucking or cartage facilities, truck and industrial equipment storage yards, repairing and washing equipment

and yards.

- r. Open industrial uses or industrial product or materials storage, provided that any activity in which products or materials are being processed or stored are located, transported or treated outside of a building and are not within enclosed apparatus vessels, or conduits, such use shall be provided with an opaque, permanently maintained wall or fence, no lower than the subject use or storage, and constructed to provide firm anchoring of fence posts or concrete set below the frost line; if a wall is provided, its foundation likewise shall extend below the frost line.

Section 16.03. - Conditional uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in article 10:

- a. Telecommunication towers, per section 10.27 of this ordinance.
- b. Adult entertainment uses.
- c. New and used vehicle sales and service and body shops.
- d. A marijuana grower as authorized by Article IV of Chapter 18 of the Emmett Charter Township Code of Ordinances.
- e. A marijuana processor as authorized by Article IV of Chapter 18 of the Emmett Charter Township Code of Ordinances.
- f. A marijuana provisioning center as authorized by Article IV of Chapter 18 of the Emmett Charter Township Code of Ordinances;
- g. A marijuana secured transporter as authorized by Article IV of Chapter 18 of the Emmett Charter Township Code of Ordinances.
- h. A marijuana safety compliance facility as authorized by Article IV of Chapter 18 of the Emmett Charter Township Code of Ordinances.

(Ord. No. 1-2018(2), § 8, 3-22-2018; Ord. No. 5-2018, § 8, 9-13-2018)

Section 16.04. - Regulations.

The following regulations shall apply in all "LI"—light industrial districts:

- a. *Lot area.* No building or structure shall be established on any lot less than one acre in area, except where a lot is served with a central water supply system or a central sanitary sewage system, in which case there shall be provided a minimum lot area of 20,000 square feet.
- b. *Lot width.* The minimum lot width for lots served with a public water supply system or a public sanitary sewage system shall be 80 feet. Where a lot is not so served, the minimum lot width shall be 150 feet.
- c. *Lot coverage.* The maximum lot coverage shall not exceed 60 percent.
- d. *Yard and setback requirements.*
 - 1. Front yard. No less than 35 feet or the prevailing setback.
 - 2. Side yard. Least width of either yard shall not be less than 20 feet, except in the case of a corner lot or parcel where the side yard on the road or street shall not be less than 35 feet.
 - 3. Rear yard. Not less than 35 feet.

4. The above requirements shall apply to every lot, building or structure.
- e. *Height.* Except as is otherwise provided in the ordinance, no building or structure shall exceed a height of 35 feet.
- f. *Required off-street parking.* As required in article 9.

ARTICLE 17. - IP—INDUSTRIAL PARK DISTRICT

Section 17.01. - Purpose.

This district is designed to provide the location and space for industrial uses requiring a substantial parcel size, based upon manufacturing or research needs, employment needs, distribution needs or for industrial storage/warehouse facilities. It is the intent of this district to allow for the development of certain activities while protecting any abutting agricultural or residential properties from incompatible industrial activities. Toward this end, this district shall require the development of an open space perimeter adjacent to those properties where residential development exists or is designated within the Emmett Township Master Plan. This perimeter shall be a part of the industrially zoned land unless natural or manmade boundaries exist to provide sufficient separation from incompatible land uses. Internally, within the industrial park area, there shall be an emphasis on open space and landscaping, when coupled with the open space perimeter, to achieve a campus-like setting. While certain uses are excluded which would function more effectively in other districts, the range of industrial uses is quite broad, based upon the ability to provide separation and avoid interference with the operation of the uses permitted in this district. All commercial development within this District shall be serviced by a public water supply public sanitary sewer. The public water supply shall be capable of providing fire protection meeting standards of the Michigan Insurance Services Office (ISO) and codes promulgated by the National Fire Protection Association (NFPA) and shall be further capable of meeting these standards for existing and planned land uses within the residential neighborhoods having proximity to the commercial center. The sanitary sewer service shall have capacity to collect wastewater from the center together with existing and planned land use for the entire service area of the sanitary sewer district in which sewers are located.

Section 17.02. - Permitted uses.

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

- a. National, statewide or regional headquarters or facilities, including manufacturing, distribution, processing or warehousing (equipment storage) establishments.
- b. Research-related facilities, including agricultural products, pharmaceuticals and other human and animal health research.
- c. Large distribution, warehouse and storage facilities, including trucking facilities and truck and industrial equipment storage yards where maintenance and repair is secondary and incidental to the primary use.
- d. General and specialized farming and other agricultural uses, except those uses considered conditional uses within the AB—agricultural/business district.
- e. An accessory use, building(s) or structure(s).
- f. Essential service structure.
- g. A sign, only in accordance with the regulations specified in article 8 of this ordinance.

- h. Open air industrial uses, outdoor storage (including junkyards); provided they comply with the specific condition and general standards for approval under article 10.
- i. Other industrial uses that may not be permitted in the "LI"—light industrial district.

Section 17.03. - Conditional uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in article 10:

- a. The removal, extraction or mining of minerals or other deposits including sand, soil or gravel, provided the final reclamation of the site is for industrial uses permitted within this district.
- b. Telecommunication towers per section 10.27 of this ordinance.
- c. A marijuana grower as authorized by Article IV of Chapter 18 of the Emmett Charter Township Code of Ordinances.
- d. A marijuana processor as authorized by Article IV of Chapter 18 of the Emmett Charter Township Code of Ordinances.
- e. A marijuana provisioning center as authorized by Article IV of Chapter 18 of the Emmett Charter Township Code of Ordinances;
- f. A marijuana secured transporter as authorized by Article IV of Chapter 18 of the Emmett Charter Township Code of Ordinances.
- g. A marijuana safety compliance facility as authorized by Article IV of Chapter 18 of the Emmett Charter Township Code of Ordinances.

(Ord. No. 1-2018(2), § 9, 3-22-2018; Ord. No. 5-2018, § 9, 9-13-2018)

Section 17.04. - Regulations.

The following regulations shall apply in the "IP"—industrial park district:

- a. *Lot area.* No building or structure shall be established on any lot less than five acres in area; provided the parcel size for the zone is no less than 20 acres.
- b. *Lot width.* The minimum lot width shall be 330 feet.
- c. *Open space requirements.* There shall be established an open space perimeter of 200 feet where the zone is adjacent to any property either used, zoned or planned for residential development. In addition, each lot shall have an open space area equal to not less than 20 percent of the total lot area. At least 25 percent of this open space area is to be located between the road and the building front, with at least 50 percent of the required landscaping in this area.
- d. *Yard and setback requirements.* Shall be determined as part of site plan review, based upon proximity to other buildings and the open space perimeter.
- e. *Height.* Except as is otherwise provided in the ordinance, no building or structure shall exceed a height of 45 feet.
- f. *Required off-street parking.* The planning commission may waive up to 20 percent of the required parking provided all other restrictions within article 9 are met.

ARTICLE 18. - OC—OPEN SPACE AND WATERBODY CONSERVATION DISTRICT

Section 18.01. - Purpose.

It is recognized by this ordinance that the principal use of certain open areas within the township is to preserve and manage development of the natural resource base within the community. In order that this resource may be maintained, this ordinance has established, based upon a well-considered plan, a zoning district designed to regulate the location of buildings and structures and the use of parcels and lots in order to protect the natural resources, natural habitats of wildlife, waterways and water bodies, agricultural capabilities, and public and private recreation areas in order to protect the public health, safety and welfare. In addition, limited development on larger parcels may occur based upon a plan to protect these resources.

Section 18.02. - Permitted uses.

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

- a. Public and private conservation areas for the development, protection and conservation of open space, watersheds, water, soil, forest and wildlife resources.
- b. A parcel may be used for general and specialized farming and agricultural activities, including, but not limited to, the raising or growing of crops, livestock, poultry and other farm animals, products and foodstuffs and any building or structure may be located thereon and used for the day-to-day operation of such activities for the quartering, storage or preservation of said crops, livestock, poultry, or other animals, products and foodstuffs raised on said lot or in said structure and subject to the requirements of paragraph c. of this section.
- c. A parcel may be used and a building or structure may be located thereon for a riding academy or stable for the raising or keeping of horses, cattle, hogs, ponies, goats or other similar livestock whether for profit or pleasure; provided that the following building requirements are met:
 1. Building and fenced enclosures used for the quartering of said animals shall be located a minimum distance of 100 feet from the principal dwelling located on said parcel and principal dwelling on adjacent properties.
- d. A sign, only in accordance with the regulations specified in article 8 of this ordinance.

Section 18.03. - Conditional uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district, subject to obtaining a conditional use permit as provided in article 10:

- a. Public or private forest preserve, game refuge, golf course, park, camping grounds, playground, or other recreation purpose.
- b. The growing, stripping and removal of sod, provided that said lot or portion thereof shall be seeded after stripping by fall of the same year in which it was stripped as to reduce the actual or potential erosion of soil by water or wind.
- c. Country clubhouse, swimming pool, bath house and the sale of food, beverages and recreation equipment which is incidental and accessory to a recreation use.

- d. Single-family dwellings, subject to verification that the site development will not occur in a designated floodplair sufficient protection of the waterbody or natural resource can be documented.
- e. All buildings and structures accessory and incidental to permitted uses in this district.
- f. Community and governmental buildings.

Section 18.04. - Regulations.

The following regulations shall apply in all "OC"—open space and waterbody conservation districts:

- a. *Lot area.* No building or structure shall be established on any lot less than five acres in area.
- b. *Lot width.* The minimum lot width shall be 300 feet.
- c. *Lot coverage.* The maximum lot coverage shall not exceed ten percent.
- d. *Yard and setback requirements.*
 - 1. Front yard. No less than 60 feet from the right-of-way line.
 - 2. Side yards. Least width of either yard shall not be less than 30 feet, except in the case of a corner lot or parcel where the side yard on the road or street shall not be less than 60 feet.
 - 3. Rear yard. Not less than 50 feet.
 - 4. The above requirements shall apply to every lot, building or structure.
- e. *Height.* The following height requirements shall apply in this district:
 - 1. No building or structure shall exceed three stories or 40 feet.
- f. *Required off-street parking.* As required in article 9.
- g. *Preservation of environmental quality and floodplains.* In a floodplain, the construction or location of bridges, bleachers or other outdoor equipment or appurtenances and the storage of materials and equipment is prohibited unless same would not cause any significant obstruction to the flow of or reduction in the impoundment capacity of the floodplain.

ARTICLE 19. - SITE DEVELOPMENT REGULATIONS

<i>Zoning District</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Width</i>	<i>Maximum Lot Coverage</i>	<i>Minimum Floor Area</i>	<i>Yard Req. Setback</i>	<i>Maximum Height</i>	<i>Notes</i>
[OS] Open Space	5 acres	300 ft.	10%	—	F=60 ft. S=30/60 ft. R=50 ft.	3 stories or 40 ft.	Single-family dwelling as conditional use

[AB] Agricultural/ Business	40 acres	660 ft.	15%	960 sq. ft.	F=75 ft. S=50 ft. R=50 ft.	3 stories or 40 ft.	Intensive livestock as a conditional use
[RR] Rural Residential	2 acres 5 acres for livestock	200 ft. 300 ft.	20%	960 sq. ft.	F=50 ft. S=30 ft. R=50 ft.	2½ stories or 35 ft.	Planned unit residential as a conditional use
[RA] Low Density Residential	30,000 sq. ft.	100 ft.	25%	960 sq. ft.	F=40 ft. S=20 ft. R=40 ft.	2½ stories or 35 ft. — 25 ft. for accessory	Planned unit residential as a conditional use
[RB] Medium Density Residential	(1) 15,000 sq. ft. (2) 30,000 sq. ft.	(1) 75 ft. (2) 100 ft.	30%	960 sq. ft.	F=30 ft. S=10 ft. R=30 ft.	2½ stories or 35 ft. — 25 ft. for accessory	(1) Public sewer system (2) No public system
[MH] Manufactured Home Park	Min. parcel size 20 acres	Min. parcel width 330 ft.	—	—	50 ft. from adjoining property	—	State regulations —Mobile home commission rules
[MF] Multiple Family Residential	1 acre +	300 ft.	35%	600 sq. ft.	F=35 ft. S=20 ft. R=35 ft.	35 ft. — 15 ft. for accessory	Office use as conditional use

[LC] Local Commercial	20,000 sq. ft.	100 ft.	25%	—	F=30 ft. S=15 ft. R=30 ft.	—	Transition district. Office and small retail with residential use as a conditional use
[GC] General Commercial	30,000 sq. ft.	150 ft.	25%	—	F=40 ft. S=25 ft. R=30 ft.	25 ft. — 35 ft. if additional 10 ft. setback	
[RC] Regional Commercial	1.5 to 5 acres	—	25%	—	F=30 ft./75 ft. S=20 ft./50 ft. R=20 ft./5 ft.	45 ft.	
[LI] Light Industrial	20,000 sq. ft. 1 acre	80 ft. 150	60%	—	F=35 ft. S=20 ft. R=35 ft.	35 ft.	Public water or sewer required for smaller lot area
[IP] Industrial Park	Parcel: 20 acres Site: 5 acres	330 ft.		—		45 ft.	200 ft. Open space perimeter adjacent to residential

ARTICLE 20. - OVERLAY DISTRICT

Section 20.01. - Purpose.

In addition to the zoning districts established within this ordinance under articles 11 through 18, there are also established districts with specific goals and objectives that may "overlay" those zones. The "underlying zone" is the zoning classification that establishes permitted and conditional uses and the site development regulations for that specific district. Where additional efforts are directed at promoting or protecting a given area of the township, such areas may be subject to this overlay approach.

Section 20.02. - Goals and objectives.

As within any district, there is a stated purpose or intent for the establishment of uses and development regulations. Within overlay zones, the objectives are primarily devoted to the promotion or implementation of a goal or the protection of a natural or manmade resource. The following goals and objectives are offered for the creation of these districts:

- a. To preserve important transportation corridors within the township that have been historically utilized for the movement of people and the provision of goods and services. Such rights-of-way should be protected in order to support future needs due to increases in population and the desire to provide for both motorized and non-motorized transportation.
 1. Establishment of a corridor preservation overlay district.
- b. To preserve older neighborhoods for purposes of maintaining affordable housing in the township. Such neighborhoods may have been established with smaller lot sizes than the ordinance now allows, resulting in nonconforming lots and structures that create lower incentives to maintain. This district is directed at supporting rehabilitation of these structures and the buffering and protection of these neighborhoods from the encroachment of incompatible land uses.
 1. Establishment of a housing rehabilitation overlay district.

ARTICLE 20B. - HOUSING REHABILITATION OVERLAY DISTRICT

Section 20B.01. - Purpose.

The Emmett Township Master Plan has established a goal of strengthening the stability of residential neighborhoods and maintaining housing affordability. The intent will be to preserve existing neighborhoods and promote the maintenance and rehabilitation of buildings and structures. Where such buildings or structures are legally nonconforming to the site development regulations within the underlying zone, based upon lot size or setback standards, the desire is to promote such rehabilitation in order to provide decent, safe and affordable housing within the township. This overlay zone may only be established in areas where more than 50 percent of the lots do not meet the underlying district lot area and the lots are served by public sewer and public water systems.

Section 20B.02. - Permitted uses.

All uses permitted within the underlying zoning districts.

Section 20B.03. - Conditional uses.

All conditional uses within the underlying zoning district subject to the requirements for such use under article 10.

Section 20B.04. - Site development regulations.

Where an existing lot of record within the overlay district does not meet the lot area or other site development standards within the underlying zone, the following regulations shall apply:

- a. *Front yard setback.* The front yard setback shall not be less than 15 feet.
- b. *Side yard setback.* The side yard setback shall not be less than five feet; provided no buildings or structures on an adjoining lot are within ten feet of the proposed structure.
- c. *Rear yard setback.* The rear yard setback shall not be less than 15 feet.
- d. *Lot coverage.* The maximum lot coverage shall not exceed 50 percent.
- e. *Minimum floor area.* The minimum floor area for a single-story structure shall not be less than 850 square feet.

ARTICLE 21. - DEFINITIONS

Section 21.01. - Rules applying to text.

The language and definitions within this ordinance are intended to follow the common meaning for words or their standard utilization. The following rules shall also apply with regards to the use of terms within this ordinance:

The word "shall" is mandatory while the word "may" is discretionary.

The word "building" includes the word "structure" and also includes any addition or extension.

The word "person" or "applicant" shall include individuals, associations or corporations.

The zoning administrator shall be consistent in his use and interpretation of the text. Where there is a dispute with regards to the meaning of a word or the context in which it is utilized, the zoning board of appeals shall define and interpret this language.

Section 21.02. - Definitions.

1. *Abandon.* Cease to use or occupy a building, structure or land for its permitted use for the period specified in this ordinance.
- 1a. *Access.* A point or area established thorough a driveway for a single lot or unit, or through a private driveway of no less than 20 feet in width serving two lots or units. Each lot or unit must be provided access and must meet the site development regulations for the district in which it is located.
2. *Accessory building.* A subordinate building, the use of which is clearly incidental to that of the principal building or to the use of the land and which is attached securely to a permanent masonry foundation or similar permanent footings. An accessory building may not be constructed until a principal building and use has been established.
- 3a. *Accessory use.* A use subordinate to the principal use on a lot and used for a purpose clearly incidental to those

of the main use.

- 3b. *Act.* The Michigan Zoning Enabling Act, 2006 PA 110, as amended (MCL 125. 3101, et seq.).
4. *Agricultural.* Includes purposes related to agriculture, farming, dairying, pasturage, horticulture, and animal and poultry husbandry.
5. *Alley.* A public or legally established private thoroughfare, other than a street, which affords a secondary means of access to abutting property, and not more than 20 feet wide.
6. *Alterations.* Any change, addition or modification in construction, any change in the structural members of a building, such as walls, or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."
- 6a. *Animal unit.* Defined as the unit of measurement as to the size of an animal feeding operation as described and regulated under section 10.32.
7. *Animated signs.* Any sign having a conspicuous and intermittent variation in the illumination of the physical portion of any part of the sign.
8. *Apartment.* (See dwelling, multiple-family).
9. *Area, net site.* The total area within the property lines of a project excluding external streets.
10. *Automobile vehicle or trailer sales area.* Any space used for display, sale or rental of motor vehicles, motorcycles or trailers, manufactured homes or similar sales of new or used vehicles or trailers in operable condition.
11. *Automotive repair.* General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame or fender straightening and repair, or overall painting and undercoating of automobiles when carried on in a completely enclosed room or building.
12. *Basement.* That portion of a building which is below the first story, the ceiling of which is less than five feet above the surrounding ground elevation or where more than one-half of the height of the story is below the average ground line.
13. *Billboard.* Any sign used as an outdoor display for purposes of advertising any business, product or service not located on the same parcel as the business, product or service. This definition does not include any bulletin boards used to display official court or public office notices.
14. *Building.* Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents and awnings.
15. *Building coverage.* That percentage of the lot or parcel area covered by buildings or other structures.
16. *Building height.* The vertical distance measured from the established sidewalk grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building, provided such average elevation shall not exceed the established sidewalk grade at the center of the front of the building by more than one inch for each front foot that the building sets back from the front line.
17. *Building permit.* A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this zoning ordinance.
18. *Church.* A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain worship, together with all accessory buildings and uses customarily associated with such principal purpose.

19. *Club or lodge, private.* A nonprofit association of persons who are bona fide members paying annual dues, which own, hires, or leases a building or portion thereof, the use of such premises being restricted to members and their guests; affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee, or similar body chosen by the members at a meeting. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective of the organization and further provided that such sale of the alcoholic beverage is in compliance with the applicable federal, state and municipal laws.
- 19a. *Common element.* An unoccupied area within a site condominium project which is reserved for the enjoyment of all residents (a general common element) or by only some residents (a limited common element) and maintained or improved by those residents through associations.
20. *Community and governmental building.* A building on land owned by, leased by, or mortgaged by a governmental entity for which the use is of benefit to the community.
21. *Conditional use.* A use specified in this ordinance which requires a conditional use permit issued by the township board and is not considered to be a nonconforming use.
22. *Court.* An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.
23. *Court, outer.* A court enclosed on not more than three sides by exterior walls of a building and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.
24. *Crematorium.* A furnace for burning dead human bodies to ashes, including the structure housing the furnace.
25. *District.* A portion of the incorporated part of the township within which certain regulations and requirements or various combinations thereof apply under the provisions of this ordinance.
- 25a. *Donation Boxes.* A freestanding accessory structure, container, receptacle, or similar device that is used for soliciting and collecting donations of clothing or other salvageable personal property. This term excludes any unattended donation boxes located within a building.
26. *Drive-in or drive-thru [through].* An establishment that provides for services to be offered in a manner which accommodates the patron through remaining in their vehicle within either the off-street parking area accessory to the business or through a designated drive-thru [through] lane adjacent to the business. The use of drive-in or drive-thru [through] approaches may require the approval of a conditional use permit and shall be subject to site plan review.
27. *Dwelling unit.* A building or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.
28. *Dwelling, one-family.* A building designed exclusively for one dwelling unit.
29. *Dwelling unit, two-family.* A building designed exclusively for two dwelling units.
30. *Dwelling unit, multiple-family.* A building, or portion thereof, designed exclusively for three or more dwelling units and occupancy by three or more families living independently of each other.
31. *Electronic arcades.* An establishment which has on the premises more than two electronic amusement games for the use of its customers or patrons.
- 31a. *Emergency Rules.* Rules as promulgated by the department of Licensing and Regulatory Affairs (LARA) to establish emergency rules for the purpose of implementing the Medical Marihuana Facilities Licensing Act, MCL

333.27101, et seq.

32. *Essential services.* The phrase "essential services" means the erection, construction, alteration or maintenance by public utilities or municipal department or commission of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare. Telecommunication towers and similar facilities developed for private enterprise shall not be considered essential services.
33. *Family.* One person, or group of two or more persons living together as a traditional family unit, interrelated by bonds of consanguinity, marriage, or legal adoption, or as established by the court system (such as foster children) occupying the whole or part of a dwelling as a separate housekeeping unit with a common and single set of culinary facilities.

In addition to the traditional family, a functional family may be established through a non-transient relationship defined as one or more persons living together and legally sharing responsibility, through means of a mortgage, lease agreement or similar commitment of at least a one-year duration. This definition does not include the occupants of a rooming or boarding house as a family unit.

34. *Farm.* All of the contiguous neighboring or associated land operated as a single unit on which bona fide agriculture is carried on directly by the owner-operator, manager or tenant farmer by his own labor or with the assistance of members of his household or hired employees; provided, however, that land being considered a farm hereunder shall include a continuous parcel often acres or more in area.
35. *Flea markets.* Open air display of either new or used manufactured items for sale. Not intended to include garage sales or yard sales conducted on one's own premises or one's own items on a residential property.
36. *Floodplain.* That portion of land adjacent to a water body or watercourse which is subject to periodic inundation.
37. *Floor area.* The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The "floor area" of a building shall include the area of any floor when more than one-half of the room height is above the established curb level, or above the finished lot grade level where curb levels have not been established. "Floor area" shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed located on the roof), penthouses, attic space having headroom of seven feet, six inches or more, interior balconies and mezzanines. Any space devoted to off-street parking or loading shall not be included in "floor area." The floor area of a house which has a roof covered with earth shall be measured by considering the base floor as the main floor.
38. *Frontage.* All the property fronting one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.
39. *Garage, commercial.* Any garage, other than private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, of the equipment or automobiles or other motor vehicles.
40. *Garage, private.* A garage with capacity for not more than four motor-driven vehicles for storage only.

41. *Gasoline service station.* Any building, or premises used for the dispensation, sale or offering for sale at retail of any fuels, oils or lubricants. When the dispensing, sale or offering for sale is incidental to the conduct of a commercial g; the premises are classified as a commercial garage.
42. *Grade.* The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
43. *Greenbelt buffer.* A strip or parcel of land privately restricted or publicly dedicated as open space, located between land uses for the purpose of protecting the character of adjacent residential or other uses. Said greenbelt buffer shall include, but not be limited to, the following materials: open space with maintained grass cover, evergreens, deciduous trees, shrubs, bushes.
44. *Group housing projects and group garden apartment projects.* A tract of land of not less than five acres in area which is used for any purpose permitted in the MF district and which is developed in accordance with the requirements set forth in section 10.23 of this ordinance.
45. *Group housing.* Two or more multiple dwellings on a parcel of land under single ownership.
- 45a. *Grower.* A licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.
- 45b. *High-density animal feeding operation.* An animal feeding or intensive livestock operation that houses or confines animals whose number totals 1,000 or more animal units.
46. *Highway.* (See "Street, major").
47. *Home occupation.* An occupation that is traditionally or customarily carried on in the home, including the giving of instruction in a craft or fine art within the residence, provided:
 - a. That such occupation is incidental to the residential use to the extent that no more than 30 percent of usable floor area of the principal building, and 50 percent of an accessory building shall be occupied by such occupation.
 - b. That such occupation shall not require internal or external alterations or construction features or equipment or machinery not customarily located in residential areas.
 - c. That there is no more than one employee other than members of the resident family.
48. *Hospital.* An institution providing health services, primarily for inpatients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities, central services facilities and staff offices.
49. *Hotel; motel.* A building containing primarily rooming units with the number of dwelling units being not greater than ten percent of the total number of rooming units, and with the exception of the unit occupied by the management staff used only for the accommodation of transients.
50. *Impound lot.* Storage for legally seized vehicles, within a fenced area for a period of time not to exceed 30 days, except by the written request of a municipal policing authority.
51. *Incinerator.* That structure devised for burning large quantities of trash or waste to an inert state (ashes).
52. *Industrial park.* A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

53. *Inoperative vehicle.* Any vehicle which is dismantled or partially dismantled or is not licensed and/or insured for in excess of 15 days and shall also include whether so licensed and insured or not, any motor vehicle/inoperative vehicle which is inoperative (not operative; not working) for any reason for a period in excess of ten days. For the purpose of this ordinance, the definition of vehicle is as contained in section 2 of 1976 PA 419 (MCL 125.1102).

(Amended 3/1994)

54. *Junkyard.* Any land or buildings where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, parked, disassembled or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "junkyard" includes automobile wrecking yards and includes any area of more than 50 square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.
55. *kennel.* Any lot or premises on which three or more dogs, cats or other household pets are either permanently or temporarily boarded for remuneration.
- 55a. *Keyhole (riparian) access.* An approved access parcel, lot or common area where access to a water body is intended for use by more than one parcel, lot or unit owner. For land division (parcels), this shall be an approval by the planning commission through site plan review. For subdivisions (lots), this shall be an approval by the planning commission and township board within the platting process. For site condominium projects and planned unit development, this shall be an approval of a conditional use permit by the township board and approval of the site plan by the planning commission. The standard utilized shall be that the width of the access parcel fronting on the water body shall be equal to the cumulative required lot widths of the parcels, lots or units with riparian rights provided solely by deeded access. A copy of the (master) deed provisions or restrictions shall be filed with the township following approval of the land division, subdivision or site condominium/PUD project.

(Amended 10-11-2002)

- 55b. *Land division.* The regulation for splitting or dividing parcels of land subject to both the Emmett Township Land Division Ordinance and this zoning ordinance. Approval of land division shall be based upon complying with regulations relating to lot area, lot width, lot depth and means of access.
- 55c. *Licensee.* A person holding a state operating license issued under the Medical Marijuana Facilities Licensing Act, MCL 333.27101, et seq.
56. *Living space.* That area within a structure intended, designed, erected or used for human occupancy; that is, the sum of the gross horizontal area of the floor in question of the building used for occupancy, measured from the exterior faces of the exterior walls, from the centerline of walls separating two buildings, from the centerlines of interior walls and excluding porches, garages, [and] breezeways not usable the year around.
57. *Loading space.* An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
58. *Lot.* A parcel of land occupied or intended for occupancy by a use permitted in this ordinance (including one principal building together with its accessory buildings) and providing the open spaces, parking and loading spaces required by this ordinance. Said parcel of land may consist of one or more lots of record according to any recorded plat, but for the purpose of this ordinance shall be deemed one parcel or lot if title to the property is held under one deed. A "site" within a site condominium project shall be deemed the equivalent of a lot for purposes of approval unless otherwise approved as part of a planned unit development project and incorporated into the master deed.

59. *Lot, corner.* A lot where the interior angle of two adjacent sides at the intersection of the two streets is less than 135 degrees. A lot abutting upon a curved street, or streets, shall be considered a corner lot for the purposes of this ordinance if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the arc or the straight street line extended from an interior angle of less than 135 degrees.
60. *Lot, interior.* Any lot other than a corner lot.
61. *Lot lines.* The lines bounding a lot as defined herein.
- a. *Front lot line.* In the case of an interior lot, the line separating said lot from the street, in the case of a corner lot or double frontage lot, the line separating said lot from that street which is designated as the front street in the plot. In the case of lots bordering on a lake, river, or canal. The established water or shoreline shall be designated as the rear of such lots.
- b. *Rear lot line.* The lot line opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.
- c. *Side lot line.* Any lot line other than the front lot lines or the rear lot lines.
62. *Lot area.* The total horizontal area within the lot lines of a lot.
63. *Lot coverage.* That part or percent of the lot occupied by buildings or structures including accessory buildings or structures.
64. *Lot depth.* The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.
65. *Lot of record.* A lot existing prior to the adoption of this ordinance and recorded in the Office of the County Register of Deeds. For the purposes of this ordinance, land contracts and purchase options not recorded in the County Register of Deeds Office, but dated and executed prior to the effective date of this ordinance, shall also constitute a lot of record.
66. *Lot width.* The horizontal distance between the side lot lines, measured at the frontage of the lot along the road right-of-way. Such lot width may be measured at the building line where the lot or site is a part of a traditional plat or site condominium project subject to that approval process.
- 66a. *Marijuana or marihuana.* These terms shall have the meaning ascribed to them by the Public Health Code, MCL 333.1101, et seq.; the Michigan Medical Marihuana Act, MCL 333.26421, et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901, et seq.
- 66b. *Marijuana facility.* An enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101, et seq., including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421, et seq.
67. *Master plan.* The plan prepared and adopted by the township planning commission under the provisions of 1959 PA 168 (MCL 125.321 et seq.).
68. *Mini-storage rental facility.* An establishment which provides storage rooms to the general public for remuneration.
69. *Mobile home.* A vehicular, portable structure built on a chassis and designed to be used without a permanent foundation as a dwelling when connected to required utilities and which is, or is intended to be attached to the

ground, to another structure, or to a utility system on the same premises for more than 30 days.

70. *Mobile home park.* Any subdivision, however designated, that is occupied or designed for location of three or more mobile or manufactured homes, pursuant to the requirements of the State of Michigan Mobile Home Commission.
71. *Modular housing unit.* A unit constructed solely within the factory in various-sized modules, which are then transported by flatbed, or other means, to the site where they are assembled on permanent foundations, to form single-family dwellings which are either attached (in rows or clusters), stacked or detached.
72. *Nonconforming building.* A building or portion thereof, existing at the effective date of this ordinance, or amendments thereto, and which does not conform to the provisions of the ordinance nor to the use regulations of the district in which it is located.
73. *Nonconforming use.* A use which lawfully occupied a building or land at the time of this ordinance, or amendments thereto became effective, and which does not conform to use regulations of the district in which it is located.
74. *Nursing or convalescent home.* A structure with sleeping rooms where persons are housed or lodged and furnished meals and nursing care for hire.
75. *Off-street parking lot.* A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two automobiles.
76. *Open space.* Any space suitable for recreation, gardens or household-service activities such as clothes drying. Such space must be at least 75 percent open to the sky, free of automotive traffic, parking and undue hazard, and readily accessible by all those for whom it is intended.
- 76a. *Outdoor production.* An enterprise involving the growing of marijuana in an expanse of open or cleared ground or in a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting, including but not limited to electrical lighting sources.
77. *Parking space.* An off-street land area of no less than 180 square feet, exclusive of driveways, and developed so as to be usable for the parking of a motor vehicle and so located as to be readily accessible to a public street or alley.
- 77a. *Person.* An individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
78. *Planned shopping centers or drive-in plazas.* A tract of land occupying not less than five acres which is located in and which is to be used for any purpose permitted in a commercial district. In addition, upon development of the shopping center the facility may be utilized for temporary nonprofit exhibits and special nonprofit civic events conducted in conformance with any temporary permits issued by the township.
79. *Planned unit development.* This is a tract of land which includes two or more principal buildings developed under single ownership or control; the development of which is unique and of a substantially different character than that of the surrounding area, and where the specific requirements of a given district may be modified and where the minimum area is fixed. Such development shall be based on a plan which allows for flexibility of design not available under normal zoning district requirements. A non-residential or mixed-use site condominium project shall meet the requirements for planned unit development.
80. *Planned unit residential development.* This is a tract of land developed for residential purposes and under single ownership or control through an association, as regulated within a master deed. A residential site condominium project shall adhere to the standards for planned unit residential development.

81. *Portable display sign.* A mobile/temporary, electrical or nonelectrical sign that is mounted on a trailer-type frame with wheels or skids or portable wood or metal frame and not permanently attached to the ground; menu and sandwich boards; searchlight stands; and hot-air or gas-filled balloons or umbrellas used for advertising.
82. *Principal use.* The main use to which the premises are devoted and the main purpose for which the premises exist.
83. *Private driveway.* A driveway or access of no less than 20 feet in width, defined by a recorded easement or shared driveway agreement, serving two single-family units or lots, which otherwise meet the site development requirements for the district in which they are located.
84. *Private road.* A road or access defined by a recorded easement or separate lot, as defined under land division, having a right-of-way of not less than 66 feet in width and serving three or more residential units or lots or two or more commercial or industrial lots. Such private road shall adhere to the standards of the Calhoun County Road Commission for the construction of a gravel road serving no more than five lots or units and must meet the standards for a paved road in advance of serving six or more lots or units.
- 84a. *Processor.* A licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.
- 84b. *Provisioning center.* A licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly, or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL 333.26421, et seq., is not a provisioning center for purposes of this article.
85. *Public park.* Any park, playground, beach, outdoor swimming pool, [or] parkway within the jurisdiction and control of a governmental agency authorized by state statutes to own and maintain parks.
86. *Public sewer system.* A public sewer system shall be defined as a central or community sanitary sewage system and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and wastewater treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof for the purpose of collection, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid wastes of such a nature as to be capable of adversely affecting the public health; operated for the benefit of the general public in a given area whether owned by a public, semipublic or private entity.
87. *Public utility.* Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and, furnishing under state or municipal regulations to the public gas, steam, electricity, sewage disposal, communications, telegraph, transportation or water.
88. *Recreation area, private.* All lands and structures which are owned and operated by private individuals, a business or corporation which is predominantly intended to accommodate recreational vehicles and provide for outdoor recreational activities.
89. *Recreational vehicle.* All those small mobile units, whether motorized or not, principally designed for recreation pastime.
90. *Residential care facilities.* Homes or facilities providing care services on a part-time or full-time basis. Such uses

are established as permitted or conditional uses based upon their compatibility with uses in those individual zoning districts. The following four categories of residential care facilities are defined:

- a. *Family child care home.* Means a private home in which 1 but fewer than 7 minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual. As used in this subparagraph, "providing babysitting services" means caring for a child on behalf of the child's parent or guardian when the annual compensation for providing those services does not equal or exceed \$600.00 or an amount that would according to the Internal Revenue Code of 1986 obligate the child's parent or guardian to provide a form 1099-MISC to the individual for compensation paid during the calendar year for those services. Such use is considered a residential use of property and is a permitted use in all residential zones and is not subject to a conditional use permit or procedure different from those required for other dwellings of similar density in the same zone.
- b. *Group child care home.* Means a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.
- c. *Limited residential care facilities.* Includes all other adult foster care for 7 to 25 individuals, subject to state licensing requirements. This would include nursing homes, assisted living facilities and senior housing for up to 25 people. It is anticipated that these facilities would operate 24 hours per day and would include non-resident employees. Such facilities should be located in higher-density residential and office/business settings.
- d. *Full residential care facilities.* Includes nursing homes, assisted living facilities and other congregate care and/or senior housing facilities that do not meet the definition of a "state licensed residential facility" under the Michigan Zoning Enabling Act. Such use shall be considered a commercial use and include access to medical staff on a full-time or part-time basis.

This definition shall include unlicensed residential facilities and those licensed by the State of Michigan. It does not include facilities providing treatment, such as substance abuse, or rehabilitation, such as halfway houses, or other uses regulated by the department of corrections.

- e. *State licensed residential facility* means a structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer individuals under 24-hour supervision or care. A state licensed residential facility shall be considered a residential use of property and a permitted use in all residential zones and is not subject to a conditional use permit or procedure different from those required for other dwellings of similar density in the same zone; provided, however, this does not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional facilities.

91. *Retail and rental store.* Any building or structure in which goods, wares or merchandise are sold to the ultimate consumer for direct consumption, and not for resale.

92. *Right-of-way*. A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.
93. *Roadside stand*. A permanent structure which is used seasonally for the sale of produce. The use of a roadside stand shall not constitute a commercial district.
94. *Rooming house*. A building, or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.
95. *Rooming unit*. Any room or group of rooms, forming a single habitable unit used for living and sleeping, but which does not contain cooking or eating facilities.
96. *Rowhouse (townhouse)*. An attached house in a row or group, each house containing not more than two dwelling units and each house separate from adjoining houses in the same row or group by common fire walls or fire separations.
- 96a. *Safety compliance facility*. A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.
97. *Sanitary landfill*. A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover at the conclusion of each day's operation or at more frequent intervals as necessary; and maintained in accordance with the provisions of 1978 PA 641.
- 97a. *Secure transporter*. A licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.
98. *Semitrailer*. Semitrailer means every vehicle with or without motor power, other than a pole-trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
99. *Setback*. The minimum horizontal distance between the street, rear or side lines of the lot and the front, rear or side lines of the building. When two or more lots under one ownership are used, the exterior property lines so grouped shall be used in determining offsets.
100. *School*. A building used for the purpose of elementary or secondary education which meets all requirements or compulsory education laws of the State of Michigan, and not providing residential accommodations.
101. *Shopping center*. A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property, and related in its locations, size and type of shops to the trade area which the unit serves.
102. *Signs*. Any works, numbers, figures, devices, designs, or trademarks, other than billboards, by which anything is made known and which are visible from the exterior of the structure.
- 102a. *Site condominium project*. A plan or project consisting of not less than three single-family residential units or two or more commercial or industrial units established in conformance with the Michigan Condominium Act (1978 PA 59 (MCL 559.101 et seq.)). Such development shall comply with the requirements for planned unit development.
103. *Special temporary uses*. A use that has been determined to be in the best interest of public safety, public welfare, public necessity, or public convenience. A special temporary use shall be limited to one year, subject to renewal; such use shall not be considered to be spot zoning nor a nonconforming use.
104. *Story*. The part of a building, included between the surface of one floor and the surface of the next floor, or if

there is no floor above, then the ceiling next above.

105. *Street*. A thoroughfare which affords the principal means of access to abutting property.
106. *Street, major*. A public way, the principal use of which is to provide an arterial route for through traffic and has as its secondary use the provision of access to abutting properties.
107. *Street, minor*. A public way, the principal use of which is to give access to abutting properties.
108. *Structure*. Anything constructed or erected, except antennas, the use of which requires location on the ground or attachment to something having location on the ground.
109. *Structural alteration*. The erection, strengthening, removal or other change of the supporting elements of a building, such as footings, bearing walls, beams, columns and the like.
110. *Swimming pool*. Any artificially constructed, portable or non-portable pool capable of being used for swimming or bathing, having a depth of three feet or more at any point.
- 110a. *Telecommunication tower*. Any structure which is designed and constructed for the purpose of supporting one or more antennas for telephone, radio or similar communication purposes. Such structures may be freestanding, such as self-supporting lattice, guyed or monopole towers, or alternative design mounting structures, such as manmade trees, clock towers, steeples, light poles, water towers or other structures that may camouflage or minimize the presence of antennas and towers.
111. *Temporary sign*. A display, informational sign, banner, flag, pennant or other advertising device with or without a structural frame, not permanently attached to a building, structure or the ground, and intended for a limited period of display, accessory, temporary window or display case signs.
- 111a. *Township*. Emmett Charter Township, Calhoun County, Michigan.
112. *Trailer coach*. Same as mobile home.
113. *Trailer coach park*. Same as mobile home park.
114. *Undevelopable land*. Land which has soil types or a high-water condition which presents severe limitations on septic tank and tile fields.
115. *Usable floor area*. The area for the purpose of computing parking and off-street loading and unloading space, is that area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise utilities shall be excluded from this computation of "usable floor area." Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.
116. *Use*. The purpose for which land or premises of a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.
117. *Variance*. A modification of the literal provisions of this ordinance which the zoning board of appeals is permitted to grant when strict enforcement of such provisions would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought.
118. *Yard*. An open space on the same lot with the main building unoccupied and unobstructed from the ground upward except as otherwise provided in this ordinance.
 - a. *Front yard*. A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
 - b. *Rear yard*. A yard extending across the full width of the lot, the depth of which is the minimum horizontal

distance between the rear lot line and the nearest line of the main building.

- c. *Side yard.* A yard between the main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

119. *Zoning district.* (See district.)

(Ord. No. 1-2018(2), §§ 10, 11, 3-22-2018; Ord. No. 5-2018, §§ 10, 11, 9-13-2018)