

# **TOWNSHIP OF SHERIDAN**

**CALHOUN COUNTY, MICHIGAN**

## **ZONING ORDINANCE**

**As Amended through October 2019.**

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## TITLE, PURPOSES AND LEGAL CLAUSES

### SECTION 1.01 – Title

This Ordinance shall be known and may be cited as: “The Zoning Ordinance of Sheridan Township”, as amended.

### SECTION 1.02 - Purposes

- A. Promoting and protecting the public health, safety and general welfare.
- B. Protecting the character and the stability of the agricultural, recreational, residential, commercial and other areas within the Township and promoting the orderly and beneficial development of such areas.
- C. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air to protect the public health and convenience of access to property.
- D. Lessening and avoiding congestion on the public highways and streets.
- E. Providing for the needs of agriculture, recreation, residence, commerce and other land uses in future growth.
- F. Fixing reasonable standards to which buildings and structures shall conform.
- G. Prohibiting uses, buildings or structures which are incompatible with the character of development or the uses, buildings or structures permitted within specified zoning districts.
- H. Preventing such additions to or alterations or remodeling of existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder.
- I. Protecting against fire, explosion, noxious fumes and odors, dust, smoke, glare, noise and other nuisances and hazards in the interest of the public health, safety and general welfare.
- J. Preventing the overcrowding of land and undue concentration of buildings and

structures so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them.

- K. Conserving the taxable value of land, buildings and structures throughout the Township.
- L. Providing for the completion, extension, substitution or elimination of nonconforming uses.
- M. Creating a Board of Appeals and defining the powers and duties thereof.
- N. Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this Ordinance.
- O. Providing for the payment of fees for building permits.
- P. Providing penalties for the violation of this Ordinance.

### **SECTION 1.03 - 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 1.04 - 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, that such

easement, covenant or other public agreement, the provision of this Ordinance shall govern.

#### **SECTION 1.05 - Period of Effectiveness**

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

#### **SECTION 1.06 - Effective Date**

The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public health, safety and welfare and are hereby given immediate effect. This Ordinance shall be published in a newspaper with local circulation, once in said newspaper, on or before thirty (30) days from the date of its passage.

## ARTICLE 2

### CONSTRUCTION OF LANGUAGE AND DEFINITIONS

#### SECTION 2.01 - Rules Applying to Text

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

- A. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- B. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- C. The word “building” includes the word “structure”.
- D. A “building” or “structure” includes any part thereof.
- E. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.
- F. Any word or term not defined herein shall be used with a meaning of common or standard utilization.

#### SECTION 2.02 - Definitions

For the purposes of this Ordinance, the following terms and words are defined as follows:

- 1. **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 to include, but not be limited to, those buildings portable and/or those which are attached securely to a permanent masonry foundation or similar permanent footings.
- 2. **Accessory Use:** A use subordinate to the principal use on a lot and used for the purpose clearly incidental to those of the main use.
- 3. **Agri-business:** Buildings, structures, lots, parcels or parts thereof which provide services, goods, storage, transportation or other activities directly related to the

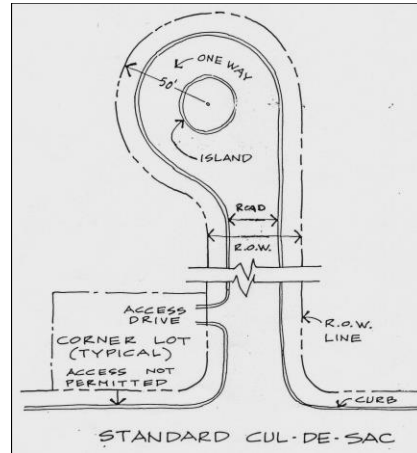
production of agricultural commodities. An agri-business may include, but is not limited to:

- a. Farm machinery, sales, service, rental and repair.
  - b. Grain elevators for storage, drying and sales.
  - c. Bulk feed and fertilizer outlets and distribution centers.
  - d. Seed dealership outlets and distribution centers.
  - e. Grain and livestock trucking and cartage facilities.
  - f. Auctions for livestock.
  - g. Dairy products production and procession operations.
4. **Agricultural:** Includes purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture 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 twenty (20) feet wide.
  6. **Alterations:** Any change, addition or modification in construction, any change in the structure 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".
  7. **Animated Signs:** Any sign having a conspicuous and intermittent variation in the illumination of the physical position of any part of the sign.
  8. **Apartment Building:** A dwelling designed for or occupied by three or more families, with separate housekeeping, cooking and bathroom facilities for each.
  9. **Aquifer:** A geologic formation, group of formations or part of, a formation capable of storing and yielding a significant amount of groundwater to wells or springs.
  10. **Area, Net Site:** The total area within the property lines of a project excluding external streets.
  11. **Automobile or Trailer Sales Area:** Any space used for display, sale, or rental of motor vehicles or trailers, in new or used and operable condition.
  12. **Automobile Repair:** General repair, engine rebuilding, rebuilding or conditioning of motor vehicles, collision service such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles when carried on in a completely enclosed room or building.

13. **Automobile Service Station:** See Gasoline Service Station, (definition #51).
14. **Basement:** That portion of a building which is below the first story, the ceiling of which is less than five (5) feet above the surrounding ground elevation at all points.
15. **Basic Manufacture:** The first operation of operations, which transform a material from its raw state to a form suitable for fabrication.
16. **Bed and Breakfast Operation:** The actual or intended rental of a lodging room or lodging rooms in an owner occupied dwelling of periods of not more than fourteen (14) continuous days, without the provision of separate cooking facilities or meals except breakfast.
17. **Boarding House and/or 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.
18. **Billboard:** Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. The definition does not include any bulletin boards used to display official court or public office notices.
19. **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.
20. **Building Coverage:** The percentage of the plot of lot area covered by the building area.
21. **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 roof. 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 (1) inch for each front foot that the building sets back from the front line.

22. **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.
23. **Church:** A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.
24. **Clinic Dental or Medical:** A building in which a group of physicians, dentists or physicians and dentists and allied professional assistants are associated for the purpose of practicing their profession. The clinic may include a medical or dental laboratory. It shall not include inpatient care or operating rooms for major surgery.
25. **Club or Lodge, Private:** A nonprofit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building or portion therein, the use of such premises being restricted to members and their guests. The 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 meat 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 by the organization and further provided that such sale of the alcoholic beverage is in compliance with the applicable Federal, State and Municipal laws.
26. **Conditional Use:** A use, which is subject to conditional approval by the Planning Commission. A conditional use may be granted when specified by this Ordinance and for those uses not specifically mentioned. A permitted conditional use is not considered to be a nonconforming use.
27. **Condominiums:** Condominium projects are subject to the Condominium laws of the State of Michigan, Act 59 of 1978 Public Acts as amended, and shall be governed by Section 6.03, A and B of this Zoning Ordinance. Such projects shall be considered Planned Unit Residential Developments, and are subject to all of the requirements of ARTICLE 15, Conditional Uses.
28. **Court:** An unoccupied open space, other than a yard, on the same lot with a building which is bounded on two (2) or more sides by the walls of such building.

- 29. **Court, Outer:** A court enclosed on not more than three (3) sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.
- 30. **Cul-de-sac:** The turnaround at the end of a dead-end street.



- 31. **Development:** The carrying out of any construction, reconstruction, alteration of surface or structure or change of land use or intensity of use.
- 32. **District:** A portion of the incorporated part of the Township ~within which certain regulations and requirements or various combinations thereof apply under the provision of this Ordinance.
- 33. **Drive-In:** An establishment of the “drive-in” type is one which accommodates the patrons’ automobiles in the off-street parking area accessory to the business from which the occupants may receive a service or obtain a product which maybe used or consumed in the vehicle on the same premises.
- 34. **Dwelling Unit:** A building or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.
- 35. **Dwelling Unit, One-Family:** A building designed exclusively for one (1) dwelling unit.
- 36. **Dwelling Unit, Two (2) Family:** A building designed exclusively for two (2) dwelling units.
- 37. **Environmental Contamination:** The release of a hazardous substance, or the potential release of a discarded hazardous substance, in a quantity which is or may become injurious to the environment, or to the public health, safety, or welfare.



38. **Essential Services:** The phrase “essential services” means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings, reasonable 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.
39. **Ethanol Production:** An industrial process whereby grain (typically corn) is converted to a liquid alcohol product to be used, currently, as a fuel or additive for combustion engines. The process typically includes fermentation and distillation. The process can include recapturing, recycling and reconditioning of the waste products for re-sale or energy reduction costs in operations.
40. **Fabrication:** Manufacturing, excluding the refining or other initial processing of basic raw materials such as metal ores or rubber. Fabrication related to stamping, cutting or otherwise shaping the processed materials into useful objects.
41. **Facility:** Any building, structure, or installation from which there may be a discharge of hazardous substances.
42. **Family:** One (1) person, or group of two (2) or more persons living together who may or may not be interrelated by bonds of consanguinity, marriage, or legal adoption, occupying the whole or part of a dwelling as a separate housekeeping unit with a common and a single set of culinary facilities. The persons thus constituting a family may also include foster children, gratuitous guests and domestic servants. This definition does not include the occupants of a rooming or boarding house as a family unit.
43. **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 be considered a farm hereunder shall include a continuous parcel of ten (10) acres or more in area.
44. **Farm Building/Structures:** All buildings/structures associated with the commercial production, harvesting and storage of farm products on a farm and

the farm operations typically attendant thereto, as defined the Michigan Right to Farm Act, Public Act 93 of 1981, as amended.

45. **Farm Product:** Those plants and animals useful to man and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock including feeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products; or other products which incorporate the use of food, fiber or fur.
46. **Feedyard/Feedlot:** A concentrated confined animal or poultry production operation, designed wherein the animals or poultry are fed at the place of confinement and crop or forage production is not sustained in the areas of confinement, and requires a special permit from the Michigan Department of Natural Resources.
47. **Floodplain:** That portion of land adjacent to a waterbody or watercourse, which is subject to periodic inundation.
48. **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 center line of walls separating two buildings. The "floor area" of a building shall include the area of any floor when more than one-half (1/2) 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 (7) feet, six (6) inches or more, interior balconies and mezzanines. Any space devoted to off-street parking or loading shall not be included in "floor area".
49. **Frontage:** All the property fronting one (1) side of the street between intersecting or intercepting streets, or between a street 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.
50. **Garage, Commercial:** Any garage, other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipment of automobile or other motor vehicles.

51. **Garage, Private:** An accessory building used for parking or storage of vehicles as may be required in connection with the permitted use of the principal building.
52. **Gasoline Service Station:** Any building, or premises used for the dispensation, sale or offering for sale at retail of any motor fuel, oils, or lubricants. When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.
53. **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.
54. **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.
55. **Hazardous Substance:** A chemical or other material which is or may become injurious to the public health, safety, or welfare, or to the environment.
56. **Highway:** (See Definition of "Street, Major").
57. **Home Occupation:** An occupation that is traditionally or customarily carried on in the home, provided:
  - a. That such occupation is incidental to the residential use in the extent that not more than thirty percent (30%) of usable floor area of the principal building, or not more than five hundred (500) square feet of an accessory building shall be occupied by such occupation.
  - b. That no article or service be sold or offered for sale on the premises except as is produced by such occupations.
  - c. That such occupation shall not require equipment or machinery not customarily located in residential areas.
  - d. That there be no more than one (1) employee other than members of the resident family.

58. **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.
59. **Hotel and/or Motel:** A building containing primarily rooming units with the number of dwelling units being not greater than ten percent (10%) of the total number of rooming units, with the exception of the unit occupied by the management staff, used only for the accommodation of transients. No provision is made for cooking in any guest room except suites where compact pullman-type kitchenettes may be provided. Motel units may or may not be independently accessible from the outside with garage.
60. **Identification Signs:** A sign, which carries only the name of the firm, the major enterprise, or the principal product or service to identify location of said premises and not to advertise. Such signs shall be located only on the premises on which the firm or major enterprise is situated.
61. **Junk Yard:** Any land or building 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 "junk yard" includes automobile wrecking yards and includes any area of more than fifty (50) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.
62.  **kennel:** Any premise on which three (3) or more dogs, cats, or similar animals are confined either permanently or temporarily for purposes of breeding, boarding, sale, leasing or training for compensation.
63. **Laboratory:**
- Experimental. A building or part of a building devoted to the testing and analysis of any product or animal.
- Medical or Dental. A laboratory which provides analytical or diagnostic services to physicians and dentists. No fabrication is conducted on the premises except the custom fabrication of dentures or surgical supports.
64. **Laundromat:** A business that provides home type washing, drying, and/or ironing machines for hire to be used by customers on the premises or operated for the benefit of retail customers who bring in and call for laundry.

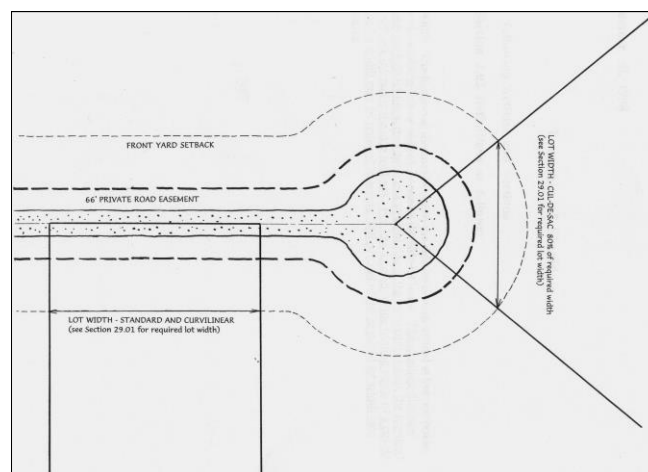
65. **Large Solar Energy System:** A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, for the sale, delivery or consumption of the generated energy with a capacity greater than one megawatt (MW).
66. **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 (2) buildings, from the centerlines of interior walls, and excluding porches, garages, breezeways not usable the year – round.
67. **Lot:** A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including a principal building or group of such buildings and their accessory buildings, and providing the open spaces, parking and loading spaces required by this Ordinance. Said parcel of land may consist of one (1) or more lots of record according to any recorded plat, but for the purpose of this Ordinance shall be deemed one (1) parcel or lot if title to the property is held under one (1) deed.
68. **Lot, Corner:** A lot where the interior angle of two (2) adjacent sides at the intersection of the two (2) streets is less than one hundred thirty-five (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 one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended from an interior angle of less than one hundred thirty-five (135) degrees.
69. **Lot, Interior:** Any lot other than a corner lot.
70. **Lot, Lines:** The lines bounding as defined herein:

Front Lot Lines - 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 and the request for zoning compliance permit. 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.

- a. **Rear Lot Lines** - The lot line opposite the front lot line. In the case of the 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 (10) feet long lying farthest from the front lot line and wholly within the lot.

- b. Side Lot Lines - Any lot lines other than the front lot lines or the rear lot lines.
71. **Lot, Zoning:** A tract or parcel of land which is designated by its owner or developer as a tract to be used, developed or built as a unit, under single ownership or control. A Zoning Lot may or may not coincide with a lot of record.
72. **Lot Area:** The total horizontal area within the lot lines of a lot.
73. **Lot Coverage:** That part or percent of the lot occupied by buildings or structures including accessory buildings or structures.
74. **Lot Depth:** The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.
75. **Lot of Record:** A lot or parcel 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 or land 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.
76. **Lot Width:** The required distance between the side lot lines, measured in a straight line at the two (2) points where the required front setback intersects the side lot lines. For lots located on the turning circle of a cul-de-sac, the lot width may be reduced to eighty (80%) percent of the required lot width (see illustration).



77. **Manufacture:** All operations required to produce the material named.
78. **Master Plan:** The statement of policy by the Township Planning Commission relative to the agreed upon desirable physical pattern of future community development. Consists of a series of maps, charts and written material representing in summary form the soundest conception to the community as to how it should grow in order to bring the very best community living conditions.
79. **Mechanical Amusement Arcade:** A mechanical amusement arcade is any business establishment, which contains five (5) or more mechanical amusement devices.
80. **Mechanical Amusement Device:** A mechanical amusement device shall include, but not be limited to, a machine, action game table, or electronic device, which for valuable consideration, may be operated for use as a game, contest, video display, or amusement of any description.
81. **Mini-Storage Warehouse Facility:** A building or group of buildings in a controlled access and fenced compound (to a height of at least eight (8) feet) that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the dead storage of customers' goods or wares with provision that all such goods and wares are enclosed within a building, with restricted exceptions.
82. **Mobile Home:** A structure transportable in one (1) or more sections which is built on a chassis and designed to be used with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating air conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle.

All mobile homes must conform to the U.S. Department of Housing and Urban Development's code for mobile homes. Mobile home includes a doublewide unit.

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

84. **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.
85. **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 or to the use regulations of the district in which it is located.
86. **Nonconforming Use:** A use which lawfully occupied a building or land at the time of the Ordinance or amendments thereto became effective, and which does not conform to the use regulations of the district in which it is located.
87. **Nursing or Convalescent Home:** A structure with sleeping rooms where persons are housed or lodged and furnished meals and nursing care for hire.
88. **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 (2) automobiles.
89. **Open Space:** Any space suitable for recreation, gardens or household service activities such as clothes drying. Such space must be at least seventy-five percent (75%) open to the sky, free of automotive traffic, parking and undue hazard, and readily accessible by all those for whom it is required.
90. **Parking Space:** A land area of not less than ten (10) by twenty (20) feet, exclusive of driveways and aisles, and so prepared 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.
91. **Photovoltaic Device:** A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the electric energy produced for later use.
92. **Polluting Materials:** Any hazardous substance as so defined that can cause pollution to groundwater sources and/or become injurious to the public health, safety, or welfare of the general public or to the environment.
93. **Principal Use:** The main use to which the premises are devoted and the main purpose for which the premises exist.
94. **Processing:** Any operation changing the nature of material or materials such as the chemical composition or physical qualities. Processing does not include the operation described as fabrication.



95. **Public Park:** Any park, playground, beach, outdoor swimming pool, parkway, within the jurisdiction and control of a governmental agency authorized by State statutes to own and maintain parks.
96. **Public Sewer System:** A public sewer system shall be defined as a central or community sanitary sewage and collection system of pipes and structure including pipes, conduits, manholes, pumping stations, sewage and waste water 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 effecting the public health; operated and maintained by the general public.
97. **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, communication, telegraph, transportation or water.
98. **Recreation Area, Private:** All lands and structures which are owned and operated by private individuals, a business or corporation which are predominately intended to accommodate recreational vehicles and provide for outdoor recreational activities.
99. **Recreational Vehicle:** All those small mobile units principally designed for recreation pastime such as motor homes, camper trailers, pick-up campers, pop-up campers, pop-up tent trailers and similar camping type vehicles or trailers.
100. **Retail and Rental Store:** Any building or structures in which goods, wares or merchandise are sold or rented to the ultimate consumer for direct consumption or use and not for resale.
101. **Right-Of-Way:** A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.
102. **Right-Of-Way Line:** Thirty-three (33) feet or two (2) rods from the center of the road.
103. **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.

104. **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.
105. **Sanitary Landfill:** A method of disposing 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 days' operation or at more frequent intervals as necessary; and maintained in accordance with the provisions of Act 87 of Public Acts of 1965, as amended.
106. **Secondary Containment Facility:** A second tank, catchment, pit, pipe, or vessel that limits and contains liquid or chemical leaking or leaching from a primary containment area. Containment systems shall be constructed of materials of sufficient thickness, density and composition to prevent the discharge to land, groundwater, or surface waters, of any pollutant which may emanate from said storage container or containers.
107. **Setback:** The minimum horizontal distance between the street, rear or side lines of the lot and the front, rear or side lines of the buildings. When two (2) or more lots under one (1) ownership is used, the exterior property lines so grouped shall be used in determining offsets.
108. **School:** A building used for the purpose of elementary or secondary education, which meets all requirements of compulsory education laws of the State of Michigan, and not providing residential accommodations.
109. **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 location, size and type of shops to the trade area which the unit served.
110. **Signs:** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. House numbers, addressed, and nameplates not exceeding two (2) square feet shall not be considered signs.

For the purpose of this Ordinance, sign shall also include the following terms:

**Abandoned Sign:** A sign which no longer directs or exhorts any person, or advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.

**Animated Sign:** Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

**Banner:** Any sign of lightweight fabric or similar material that is attached to a pole or a building at one (1) or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

**Billboard:** An off-premises sign with an area in excess of two hundred (200) square feet.

**Beacon:** Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same zoning lot as the light source; also, any light with one (1) or more beams that rotate or move.

**Building Marker:** Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into masonry surface or made of other permanent material.

**Building Sign:** Any sign attached to any part of a building, as contrasted to a ground sign. Building signs shall include the following types of signs as defined in this section: Canopy, Projecting, Wall, permanent window, and channel letter signs.

**Business Center Sign:** A sign which identifies a group of two (2) or more stores, offices, research facilities, or manufacturing facilities which collectively have a name different than the name of the individual establishments and which have common parking facilities, or which is a platted business subdivision.

**Canopy Sign:** Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance window, or outdoor service area.

**Casual Sales Sign:** A temporary sign used for special sales, not scheduled with any regularity, and includes home garage sales, attic sales, flea market sales and other occasional casual sales whether or not commercially oriented. The sign must be located on the same lot as the special sale.

**Changeable Copy Sign:** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than one (1) time per day shall be considered an animated sign and not a changeable copy sign for

purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

**Channel Letter Sign:** Any sign installed as a cabinet or as individual letters, with self-contained illumination. Some channel letters may be mounted on a raceway (wire way) while others may be mounted flat against the building wall. Channel letter signs shall not exceed more than twelve (12) inches from the building wall.

**Commercial Activity Signs:** A temporary sign which includes signs advertising the opening of a new business, sales, change in hours of operation, or the conduct of commercial activities during other than regular business hours. Temporary banners are included in this definition.

**Commercial Message:** Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

**Flag:** Any fabric or banner containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

**Ground Sign:** Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

**Incidental Sign:** A sign, generally informational, that has a purpose secondary to the use of a zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," "handicap," "no hunting," "no trespassing" and other similar directives. No commercial message shall be considered incidental.

**Incidental Business Sign:** Signs associated with the drive-thru portion of a business, such as a menu-board sign.

**Institutional Sign:** Temporary signs announcing any annual or semiannual public, charitable, educational or religious event or function.

**Integral Sign:** Integral signs are names of buildings, dates of erection, monument citations, commemorative tablets and the like, when carved into stone, concrete or similar material or made of other permanent type construction and made an integral part of the structure.

**Non-conforming Sign:** Any sign that does not conform to the requirements of this Ordinance.

**Off-site Sign (off-premises sign):** A sign other than an on-site sign.

**On-site Sign (on-premises sign):** A sign which advertises or identifies only goods, services, facilities, events or attractions on the premises where located.

**Outdoor Advertising Sign:** A sign, including billboards, on which the written or pictorial information is intended to advertise a use, product, service, goods, event or facility located on other premises, and which is intended primarily for advertising purposes.

**Pennant:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**Political Sign:** A sign relating to the election of a person to public office or relating to a political party or relating to an issue or matter to be voted upon at an election called by a public body. Political signs are considered temporary signs.

**Portable Sign:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu and sandwich board signs; balloons used as signs; and signs attached to or painted on vehicles or trailers parked and visible from the public right-of-way, unless said vehicle is licensed operable and used in the normal day-to-day operations of the business.

**Projecting Sign:** Any sign affixed perpendicular to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall, with the exception of channel letter signs.

**Real Estate Sign:** A sign advertising that the property said sign is located upon is for sale, rent or lease. Real estate signs are considered temporary signs.

**Residential Development Sign:** A sign at the entrance of a residential development for the purposes of identifying a subdivision, site condominium, multiple family development, or mobile home park.

**Roof Sign:** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

**Roof Sign, Integral:** Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

**Suspended Sign:** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**Temporary Sign:** A sign that is intended to be displayed for a limited period of time.

**Wall Sign:** Any sign attached parallel to a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

**Window Sign:** Any sign, pictures, symbol, or combination thereof, designed to communicate information about a community activity, business, commodity, event, sale, or service that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window. Political signs, or other non-commercial advertising, shall not be deemed to be window signs for the purpose of this ordinance and shall not be subject to the provisions regulating window signs in this ordinance.

111. **Solar Array:** Any number of Photovoltaic Devices connected to provide a single output of electric energy or other energy.
112. **Story:** That part of a building, included between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.
113. **Street:** A thoroughfare, which affords the principal means of access to abutting property.
114. **Street, Cul-de-sac:** A street with a single common ingress and egress and with a turnaround at the end.

115. **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.
116. **Street, Minor:** A public way, the principal use of which is to give access to abutting properties.
117. **Structure:** Anything constructed or erected; the use of which required location on the ground or attached to something having location on the ground.
118. **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.
119. **Swimming Pool:** Any artificially constructed, portable or nonportable pool capable of being used for swimming or bathing, having a depth of three (3) feet or more at any point.
120. **Trailer:** A vehicle, which can be drawn on a highway and is used for recreational or camping purposes. Includes the terms motor home, pole-trailer, trailer coach, trailer, mobile home as defined in Public Act 300 of 1949, as amended, being the Michigan Motor Vehicle Code, MSA 9.1801-9.1882, and including camping units, tents, or any other temporary dwellings.
121. **Tourist Home:** See Bed and Breakfast Operation (definition #15).
122. **Undevelopable Land:** Land which has soil type of a high-water condition which presents severe limitations on septic tank and tile fields.
123. **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 or 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.
124. **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.

125. **Uses by Temporary Permit:** Listed uses which may be permitted in any given zoning district, provided that need for the use in the district can be established to the satisfaction of the zoning inspector.
126. **Variance:** A modification of the literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provisions would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought.
127. **Warehouse:** A warehouse is defined as a property where goods are stored by contract and/or for a valuable consideration, which goods are not intended for sale on those premises.
128. **Wholesaling:** Wholesaling is defined as the on-premise sale of goods for resale.
129. **Wireless Communication:**
- Wireless Communication Facilities** shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.
130. **Attached Wireless Communications Facilities** shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure, proposed to be newly established, shall not be included within this definition.
131. **Wireless Communication Support Structures** shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
132. **Collocation** shall mean the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures



required to support wireless communication antennas within the community.

133. **Essential Services** The phrase “essential services” means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings, reasonable 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. Essential Services shall not include wireless communication facilities as defined by this ordinance.
134. **Yard:** An open space on the same lot with the main building, unoccupied and unobstructed from the ground upward except as otherwise provided in the Ordinance.
135. **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.
136. **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.
137. **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.
138. **Zoning District:** See Definition of “District”.

## ARTICLE 3

### GENERAL PROVISIONS

#### SECTION 3.01. - Establishment of Districts

The Township is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be part of this Ordinance:

AA	-	Agricultural District
RB	-	Medium Density Residential District
MF	-	Multiple Family Residential District
HS	-	Highway Service Commercial District
CS	-	Community Service Commercial District
LI	-	Light Industrial District
HI	-	Heavy Industrial District
OC	-	Open Space Waterbody Conservation District
MHP	-	Mobile Home Park District

#### SECTION 3.02 - Provision for Official Zoning Map

These districts, so established, are bounded and defined as shown on the map entitled:

**“Zoning District Map of Sheridan Township”**

Adopted by the Township Board, and which, with all notations, references and other information appearing thereon, 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 3.03 - Changes to Official Zoning Map

If, in accordance with the procedures of this Ordinance and of Public Act 33 of 2008, as amended, a change is made in a zoning district boundary, the Zoning Administrator shall make such change 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 Zoning Board of Appeals.

### **SECTION 3.04 - 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 which shall be located in the office of the Sheridan Township Hall and shall be the final authority as to the current status of any land, parcel, lot, district, use, building or structure in the Township.

### **SECTION 3.05 - 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 Sheridan Township, adopted on July 15<sup>th</sup>, 1999.”

### **SECTION 3.06 - Interpretation of Zoning Districts**

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

- A. A boundary indicated as approximately following the centerline of a highway, street, alley, railroad or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following the 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 paragraph A through E above, 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 3.07 - Application of Regulations**

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land or building, dwellings and structures throughout each district. District regulations shall be applied in the following manner, with regard to uses allowed.

- A. Permitted Uses. Permitted uses shall be permitted by right only, if specifically listed in the various zoning districts.
- B. Accessory Uses and Buildings. Accessory uses are permitted only if such uses are clearly incidental to the permitted principal uses.
- C. Conditional Land Use. Conditional Land Uses are permitted at the discretion of the Township in accordance with Article 15 only if specifically listed in the various zoning districts.

## ARTICLE 4

### AA .AGRICULTURAL DISTRICT

#### SECTION 4.01 - Purpose

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

#### SECTION 4.02 - Permitted Uses

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

- A. One or two (2) family dwellings.
- B. Farms and farming operations as stated in the Michigan right to farm act, Public Act No. 93 of 1981 (MCL 286.471 et seq.).
- C. A parcel may be used and a building or structure located thereon for a riding academy or stable for the raising or keeping of cattle, hogs, ponies, goats or other similar livestock whether for profit or pleasure upon a lot having an area not less than five (5) acres and width not less than three hundred (300) feet provided the following requirement is met:
  - 1. Building and fenced enclosure used for the quartering of said animals shall be located a minimum distance of one hundred (100) feet from the principal dwelling located on said parcel and principal dwellings on adjacent properties.
- D. Public and private conservation area and structure for the development, protection and conservation of open space, watersheds, water, soil, forest, and

wildlife resources.

- E. A parcel may be used for the growing, stripping and removal there from 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 or potential erosion by water or wind.
- F. Home Occupations: Customary home occupations such as hairdressing, millinery, dressmaking, bookkeeping and accounting services, real estate and insurance sales, professional offices for not more than one (1) physician, surgeon, dentist, attorney, architect, engineer or similar professional practitioners provided that such home occupation shall satisfy the following conditions:
  - 1. The nonresidential use shall be only incidental to the primary residential use of the property.
  - 2. The home occupation shall be limited to the principal structure only and utilize no more than thirty percent (30%) of the total floor area.
  - 3. There shall be no more than one (1) employee other than members of the immediate family residing on the premises.
  - 4. There shall be no external evidence of such occupation except a small announcement sign as specified herein.
  - 5. No home occupation shall be permitted which is injurious to the general character of the agricultural district and which creates a hazardous or unhealthy condition.
  - 6. For the purposes of this provision, principal and accessory farm operations shall not be considered home occupations.
- G. Storage of not more than two (2) nonresidential type recreational vehicles provided that such units shall not be completely within the side and rear yards.

- H. A sign only in accordance with regulations specified in ARTICLE 21.
- I. An accessory use, building or structure.
- J. Essential service structures, except as provided in Section 15.16.

#### **SECTION 4.03 - 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 15:

- A. Development of Natural Resources, Section 15.13.
- B. Public and private park camping grounds, golf course, golf-driving range, clubs, hunting lodge.
- C. Community and governmental buildings.
- D. Refuse transfer station.
- E. Public and private nurseries, primary and secondary schools, business schools, colleges and universities.
- F. Hospital, nursing home, sanitarium, medical and food processing research laboratories.
- G. Temporary building or trailer office.
- H. Roadside stand, provided all of the nursery stock or other agricultural products are raised on the premises where situated or the vicinity area of the same township.
- I. Wireless communication facilities as regulated in Article 12 of this Ordinance.
- J. Agri-business.
- K. Public and private recreation areas, such as: forest preserve, game refuge, recreation park and reservations, and similar public and private use of low intensity use.

- L. An incubating agri-business (5 years) limited to the assemblage, sales and distribution of agricultural buildings.
- M. Country market.
- N. Aircraft take off and landing facility/airport.
- O. Churches or other buildings used for public worship or a cemetery.
- P. Veterinarian or animal clinic or kennels.
- Q. Bed and Breakfast/Tourist Home.
- R. Large Solar Energy Systems, pursuant to Section 15.25.

#### **SECTION 4.04 - Regulations**

The following regulations shall apply in all AA - Agricultural Districts:

- A. Lot Area: No building or structure shall be established on any lot less than one (1) acre in area.
- B. Lot Width: The minimum lot width shall be two hundred (200) feet.
- C. Lot Coverage: The maximum lot coverage shall not exceed fifteen percent (15%).
- D. Minimum Floor Area: The minimum floor area shall not be less than seven hundred twenty (720) square feet with a minimum basic width dimension of not less than twenty-four (24) feet as measured across any front, side and rear elevation.
- E. Yard and Setback Requirements:
  1. Front Yard: Not less than fifty- (50) feet from the right-of-way line. No building hereafter erected or located shall project beyond the average setback line of all dwellings located within three hundred (300) feet of each side of the proposed structure if forty percent (40%) or more of all dwellings existing prior to the adoption of this Ordinance located within three hundred (300) feet on each site of the proposed structure were constructed having a greater or lesser setback than specified herein.
  2. Side Yard: Least width of either yard shall not be less than twenty-five



(25) feet; except in the case of a corner lot where the side yard on the road or street shall not be less than twenty-five (25) feet.

3. Rear Yard: Not less than fifty- (50) feet.
  4. The above requirements shall apply to every lot, building or structure, except as noted below.
- F. All existing and proposed commercial farm buildings/structures are exempt from the above noted regulations for lot coverage, floor areas, yard, and setback requirements.

## ARTICLE 5

### RB - MEDIUM DENSITY RESIDENTIAL DISTRICT

#### SECTION 5.01 - Purpose

The purpose of this District is to provide a stable environment for medium or high-density residential areas with suitable open space. The District shall generally be located on the fringe of urban-type development. The District allows flexibility of lot size dependent upon the availability of public sewer and water services.

#### SECTION 5.02 - Permitted Uses

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

- A. One or two (2) family dwellings.
- B. An accessory use, building or structure.
- C. A sign only in accordance with regulations specified in ARTICLE 21.
- D. Essential service structures, except as provided in Section 15.16.

#### SECTION 5.03 - 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 15:

- A. Golf course.
- B. Country club and recreation club, private and public park and playground.
- C. Church, community and governmental buildings.
- D. Public and private nursery, primary and secondary school.
- E. Home occupation as prescribed in Section 4.02, G.

- F. A planned unit residential development.
- G. Temporary trailer office.
- H. Rescind all of H.
- I. Large Solar Energy Systems, pursuant to Section 15.25.

#### **SECTION 5.04 - Regulations**

The following regulations shall apply in all RB Medium or High Density Residential Districts:

- A. Lot Area: Where a lot is served with a public water supply system and central sanitary sewerage system, there shall be provided a minimum of ten thousand (10,000) square feet of lot area for each single-family dwelling unit and fifteen thousand (15,000) square feet of lot area for each two (2) family dwelling unit. Where a lot is not so served, there shall be provided a minimum of fifteen thousand (15,000) square feet of lot area for each single-family dwelling unit and thirty thousand (30,000) square feet of lot area for each two (2) family dwelling unit.

The minimum lot area for all other buildings and structures shall be two (2) acres.

- B. Lot Width: The minimum lot width for lots served with a central water supply system and a central sanitary sewerage system shall be one hundred (100) feet. Where a lot is not so served, the minimum lot width shall be one hundred twenty feet (120').
- C. Lot Coverage: The maximum lot coverage shall not exceed thirty percent (30%).
- D. Minimum Floor Area: The minimum first floor area shall not be less than seven hundred twenty (720) square feet per dwelling unit with a minimum basic length and/or width dimensions of not less than twenty-four (24) feet.
- E. Yard Requirements.
  - 1. Front Yard: Not less than thirty (30) feet from the right-of-way line.
  - 2. Side Yard: Least width of either yard shall not be less than ten (10) feet, but the sum of the two (2) side yards shall not be less than twenty-five (25) feet; except in the case where the side yard on the road or street side shall

not be less than thirty (30) feet from the right-of-way line.

3. Rear Yard: Not less than thirty-five (35) feet.

F. Height: The following height requirements shall apply in this District:

1. For Buildings and Structures: No building and structure shall exceed a height of two and one-half (2-1/2) stories, but not exceeding thirty-five (35) feet.

2. For Detached Accessory Buildings: No detached accessory building shall exceed a height of twenty-five (25) feet.

G. Required Off-Street Parking: As required in ARTICLE 22.

H. Signs: As required in ARTICLE 21.

## ARTICLE 6

### MF - MULTIPLE FAMILY RESIDENTIAL DISTRICT

#### SECTION 6.01 - 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 site developments are desirable in order to provide a wide range of choices of living environments, but at the same time to regulate such development in order to prevent congestion of public streets, reduce hazards to life and property, provide desirable light and air, and to 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 sewerage systems and other appropriate urban facilities and services, particularly fire protection systems. Provisions are made to accommodate multiple dwellings in areas of transitional development on larger lots than is required where public sewer facilities are not presently available. It would be anticipated that these transitional areas would be provided with the public facilities in the near future. There is not 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 are permitted herein.

#### SECTION 6.02 - 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 (2) family dwellings.
- C. Public and private parks and play fields.
- D. Accessory use buildings or structures.
- E. Essential service structures except as provided in ARTICLE 15.
- F. Signs: As permitted in ARTICLE 21.
- G. Required Off-Street Parking: As required in ARTICLE 22.

### **SECTION 6.03 - 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 15.

- A. Group housing and garden apartment development.
- B. A planned unit residential development.

### **SECTION 6.04 - 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, unless otherwise provided herein:

- A. One (1) acre for the first dwelling unit of each multiple family dwelling structure.
- B. Three thousand (3,000) square feet for each additional dwelling unit containing two (2) or more bedrooms.
- C. Two thousand (2,000) square feet for each additional dwelling unit containing less than two (2) bedrooms.

### **SECTION 6.05 - Minimum Lot Width**

All lots shall have a minimum width of three hundred (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 two hundred (200) feet nor shall the lot width at the building line be less than three hundred (300) feet.

### **SECTION 6.06 - Maximum Lot Coverage**

All buildings, including accessory buildings shall not cover more than thirty-five percent (35%) 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 6.07 - Minimum Yard Dimensions**

- A. Front Yard: There shall be a front yard having a depth of not less than thirty-five (35) feet from the right-of-way line, provided that where established buildings on adjacent lots vary from this minimum, a new building shall be constructed with a front yard of not less depth than the average front 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 forty (40) feet nor less than twenty-five (25) feet.
- B. Side Yard: There shall be a minimum side yard of twenty (20) feet, provided that no building shall be located less than forty (40) feet from the boundary that abuts a Medium Density Residential District, except in the case of a corner lot where the street side yard shall be no less than the minimum residential front yard requirement along such street.
- C. Rear Yard: There shall be a rear yard of no less than thirty-five (35) feet.

## **SECTION 6.08 - Maximum Building Height**

No building or structure shall exceed thirty-five (35) feet in height. Accessory buildings shall not exceed fifteen (15) feet in height.

## **SECTION 6.09 - Minimum Interior Living Space**

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

- A. Two (2) Family Dwellings: Seven hundred twenty (720) square feet of floor area at ground level per family for single story dwelling, and three hundred sixty (360) square feet of floor area at ground level per family for dwellings over one (1) story in height, provided that the total area shall not be less than seven hundred twenty (720) square feet per family.
- B. Multiple Family Dwellings of Three (3) 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:

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

**SECTION 6.10 - Yard Requirements for Multiple Dwellings Not Provided With Public Water and Sewer Services**

In the MF - Multiple Family Residential District, every multiple dwelling or two (2) family dwelling not served by public sewer services shall be located on lots of not less area than specified as follows:

- A. Minimum Lot Area: One (1) acre for the first dwelling unit of the first multiple dwelling structure. Six thousand five hundred (6,500) square feet for each additional dwelling unit containing two (2) or more bedrooms.
- B. Other Yard Requirements: All other yard requirements are as previously stated in this Section.



## ARTICLE 7

### HS - HIGHWAY SERVICE COMMERCIAL DISTRICT

#### SECTION 7.01 - Purpose

This District is established for the accommodation of those various retail, service and terminal activities, which cater primarily to the traveling public. The provisions of this District are designed to permit and encourage the development of service centers which are typically located along major highways, near the intersections of major routes, and adjacent to highway interchanges, and which provide the necessary goods and services for the private and commercial traffic along such routes; and at the same time to discourage the dispersion of such activities on individual sites throughout the Township. These areas will typically not be served by public water service utilities; thus large lot areas and yards will be required in order to provide for on-site water and sewerage facilities, to maintain the open character of such areas, to keep interference with through traffic at a minimum, and to allow for increased future traffic volumes and possible future expansion of such routes.

#### SECTION 7.02 - Permitted Uses

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

- A. Retail establishments selling principally new merchandise or foodstuffs.
- B. Personal and business services.
- C. Drive-in and automobile oriented establishments similar in character to drive-in restaurants, cafes and banks, but not including drive-in theaters.
- D. Food and garden stores, nursery stock sales and green houses.
- E. Gasoline service stations provided that the following requirements are met:
  - 1. All activities, except those required to be performed at the service island, shall be conducted entirely within an enclosed principal building.
  - 2. No outdoor storage of wrecked or partially dismantled vehicles or parts thereof shall be permitted. In addition, all vehicles parked on such premises shall have current year license plates.

3. No installations except permitted walls, fences and lighting structures, shall be permitted nearer than twenty-five (25) feet to the front property line.
4. No more than two (2) driveway approaches shall be permitted directly from a major street, nor more than one (1) such approach from a minor residential street, each of which shall not exceed twenty-five (25) feet in width at the street line, nor be closer to one another than twenty-five (25) feet. Driveway approaches shall be located as far from the street intersections as practicable, but in no case be located less than fifty- (50) feet.
5. The operation of such use shall not create a hazardous or otherwise objectionable traffic condition.
6. No such use shall be located within fifty (50) feet of any residential district unless separated from by a public street or alley or an approved fence or masonry wall of not less than four (4) feet or greater than six (6) feet in height.

F. Motels, provided that:

1. Minimum lot area of one (1) acre with a minimum lot width of one hundred fifty (150) feet shall be required.
2. A minimum of fifteen hundred (1,500) square feet of lot area shall be required for each guest unit.
3. All buildings, including accessory buildings, shall not occupy more than twenty-five percent (25%) of the total lot area.

G. Sales, rental, service and repair of motor vehicles, farm machinery and marine vehicles provided that:

1. All service and repair activities shall be carried on completely within an enclosed building.
2. An outdoor display area can be utilized with the boundaries of the display area to be set by the Township Planning Commission.

- H. Passenger terminals.
- I. Wholesale businesses, provided that no manufacturing, assembling, processing or fabrication of goods shall be permitted.
- J. Publicly owned and operated buildings.
- K. Essential service structures, except as provided in Section 15. 16.
- L. Restaurant.

**SECTION 7.03 - Uses Specifically Prohibited in this District:**

- A. Any type of manufacturing activity.

**SECTION 7.04 - 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 15.

- A. Commercial recreation facilities: bowling alleys, theaters, dance halls, skating rinks, miniature golf courses, trampolines, mechanical amusement arcades, mechanical amusement devices or similar public amusement facilities.
- B. Mini-Storage/warehouse Facility: A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual compartmentalized and controlled-access stalls or lockers for the dead storage of customers' goods or wares with provision that all such goods and wares are enclosed within a building.
- C. Exterior commercial storage.
- D. Establishments serving alcoholic beverages and/or entertainment.
- E. 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 of manufactured products or equipment, small tools, pneumatic tires, two and four wheeled utility trailers, pneumatic-transit cement mixers, wheelbarrows, rollers and similar products or equipment.

- F. Planned neighborhood shopping centers.
- G. Motels may have apartment facilities. 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, hall and offset entrances:

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

- H. Auto Washes, both self-serve and automatic with the following conditions:
  1. The subject site shall have municipal sewer and water available at the time of application. Prior to final inspection, the site shall be connected to municipal sewer and water.
  2. For self-service auto washes, the establishment shall provide a minimum of three (3) stacking spaces per service lane at the entry of the car wash and one (1) stacking space per service lane at the exit. Stacking spaces shall be a minimum of twelve (12) feet in width and twenty (20) feet in length.
  3. For automatic auto washes, the establishment shall provide a minimum of six (6) stacking spaces per service lane at the entry of the car wash and two (2) stacking spaces per service lane at the exit. Stacking spaces shall be a minimum of twelve (12) feet in width and (20) feet in length.
  4. Clear identification and delineation between the drive-through and parking lot shall be provided. Drive-through facilities shall be designed in a manner which promotes pedestrian and vehicular safety.
- I. Large Solar Energy Systems, pursuant to Section 15.25.

**SECTION 7.05 - Indoor Services**

All commercial and service activities shall be conducted entirely within an enclosed building, except as otherwise provided herein.

## SECTION 7.06 - Regulations

The following regulations shall apply in all HS - Highway Service Commercial Districts:

- A. Lot Area: In this District, every building hereafter constructed or structurally altered shall be located on a lot of not less than thirty thousand (30,000) square feet in area.
- B. Lot Width: All interior and corner lots shall have a minimum width of one hundred fifty (150) feet along the street upon which such lot principally fronts.
- C. Lot Coverage: All buildings, including accessory buildings, shall not cover more than twenty-five (25%) percent of the total lot area, except as otherwise specified herein.
- D. Yard and Setback Requirements:
  - 1. Front Yard: Not less than forty (40) feet from the right-of-way line.
  - 2. Side Yard: The minimum side yard on each side of a building shall be twenty-five (25) feet. Street side yards shall comply with the minimum front yard dimensions.
  - 3. Rear Yard: Not less than thirty (30) feet from the right-of-way line.
  - 4. Side and rear yards may be used for parking, provided that a fence or masonry wall of not less than four (4) feet nor greater than eight (8) feet shall be constructed on the perimeter of such parking area.
- E. Height: No building or structure shall exceed twenty-five (25) feet in height, unless each required yard (front, side and rear) is increased one (1) foot for each additional one (1) foot in height above twenty-five (25) feet.
- F. Lighting: All lighting shall be accomplished in a manner such that no illumination source causes a nuisance to adjacent properties.
- G. Vehicular Approach: No establishment in the HS - Highway Service Commercial District shall have more than two (2) driveways, each of which shall not exceed twenty-five (25) feet in width, except as otherwise provided herein. No driveway shall be located closer than fifty (50) feet from an intersection.

- H. No building shall be erected in this District unless prior approval of the proposed water supply and waste disposal systems has been approved in writing by the Calhoun County Health Department. A favorable report from the County Health Department shall be forwarded to the Building Inspector prior to the issuance of a building permit.
- I. Off-Street Parking: As required in ARTICLE 22.
- J. Signs: Only in accordance with the regulations in ARTICLE 21.

## ARTICLE 8

### CS - COMMUNITY SERVICE COMMERCIAL DISTRICT

#### SECTION 8.01. - Purpose

The purpose of this District is to accommodate the wide range of retail business and personal service establishments, which are intended to serve the entire Township and surrounding areas. These districts will be conveniently located in relation to the highest concentrations of urban development on or near major thoroughfares to provide easy access to the outlying areas, which they will serve. Planned community shopping centers will be encouraged.

#### SECTION 8.02 - Permitted Uses

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

- A. Business and professional offices, including, but not limited to, medical, legal, engineering, accounting, financial and insurance offices.
- B. Equipment services, including repair: radio and television, electrical appliance shop, plumber, electrician and other similar services and trades.
- C. An accessory use, building or structure.
- D. Publicly owned museum, libraries, fire stations, administrative buildings and other public buildings.
- E. Essential service structures except as provided in ARTICLE 15.
- F. Restaurants.

#### SECTION 8.03 - 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 15.

- A. Establishments serving alcoholic beverages and/or providing entertainment.
- B. Funeral establishments or mortuary.
- C. Hotel, motel, tourist home and boarding and rooming houses.
- D. Animal hospital or clinic.
- E. 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 tires, two (2) and four (4) wheeled utility trailers, pneumatic-transit cement mixers, wheelbarrows, rollers and similar products or equipment.
- F. Gasoline station, including minor repair services.
- G. Wholesale businesses; provided that no manufacturing, processing, fabrication or assembling of goods shall be permitted.
- H. Parking Garages, auto storage garages.
- I. Dry cleaning establishments and/or Laundromats.
- J. Agricultural services including machinery sales and repair.
- K. New and used automobile sales and service.
- L. Drive-in theater.
- M. Frozen food lockers.
- N. Temporary building or trailer office.
- O. Multiple family dwellings.
- P. A planned unit development.
- Q. Mini-storage warehouse.
- R. General store.
- S. Medical and/or dental laboratories.



- T. Mechanical amusement arcades and/or mechanical amusement devices.
- U. Restaurants (not serving alcohol).
- V. Large Solar Energy Systems, pursuant to Section 15.25.

#### **SECTION 8.04 - Regulations and Performance Standards**

The following regulations shall apply in all CS - Community Service Commercial Districts:

- A. Lot Area: No building or structure shall be established on any lot less than one (1) acre in area, except where a lot is served with a public water supply and a central sanitary sewerage system, in which case there shall be provided a minimum lot area of ten thousand (10,000) square feet in a planned shopping center.
- B. Lot Width: The minimum lot width for lots served with a central water supply system and a central sanitary sewerage system shall be eighty- (80) feet. Where a lot is not so served, the minimum lot width shall be one hundred fifty (150) feet.
- C. Lot Coverage: The maximum lot coverage shall not exceed twenty-five (25%) percent.
- D. Yard and Setback Requirements
  - 1. Front Yard: Not less than thirty-five (35) feet from the right-of-way line.
  - 2. Side Yard: Least width of either yard shall not be less than twenty (20) feet, except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than thirty-five (35) feet from the right-of-way line.
  - 3. Rear Yard: Not less than twenty (20) feet from the right-of-way line.
  - 4. The above yard requirements shall apply to every lot, building or structure.
- E. Height: No building or structure shall exceed a height of forty-five (45) feet.
- F. Required Off-Street Parking: As required in ARTICLE 22.

G. Greenbelt Buffer:

1. A greenbelt buffer shall be provided in accordance with the regulations specified in Section 14.07.
2. 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 twenty (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.

H. Signs: Only in accordance with the regulations specified in ARTICLE 21.

## ARTICLE 9

### LI - LIGHT INDUSTRIAL DISTRICT

#### SECTION 9.01 - Purpose

LI, Light Industrial District is intended to accommodate certain activities whose external effects are minimal and in no industrial way detrimental to surrounding districts plus certain wholesale, warehousing and intensive service activities of a nature such as not to justify their inclusion in any commercial use district. All uses in the district are intended to be compatible with one another. Uses in this district shall emit a minimum of smoke, dust, dirt, odor or gasses, subject to the pollution standards of the State of Michigan, County of Calhoun, and the Township of Sheridan. All uses located within this district shall be so designed and operated as to produce no sound or vibration discernible at the property lines in excess of the normal intensity of street or traffic noises, nor any production of heat or glare noticeable at such points. Manufacturing uses in the district normally, but not in all cases, involve the manufacturing, compounding, processing, packaging, assembly or treatment of finished or semi-finished products from previously prepared material.

#### SECTION 9.02 - Permitted Uses

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

- A. Business and professional office use including: executive, administrative, accounting, data processing, clerical, and other similar office uses.
- B. Research oriented and light industrial park use when located within a completely enclosed structure, and where said uses are intended for the development of pilot or experimental products, together with related office buildings for such research facilities where said offices are designed to accommodate executive, administrative, professional, accounting, engineering, architectural, and support personnel;
- C. Manufacturing, processing, packaging, compounding, assembling or treatment of previously prepared materials, including, but not limited to, and contained within a completely enclosed structure:

1. Communication, transmission and reception equipment such as coils, tubes, semi-conductors, navigation control equipment and systems guidance equipment.
  2. Data processing equipment and systems.
  3. Metering instruments.
  4. Optical and photographic devices, equipment and systems.
  5. Scientific and mechanical instruments such as calipers and transits.
  6. Testing equipment.
  7. Electrical machinery, equipment and supplies, electronic equipment, components and accessories.
  8. Office, computing and accounting machines.
  9. Hardware and cutlery.
  10. Pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
  11. Musical instruments, toys, and novelties.
- D. An accessory use, building or structure customarily incidental to any of the uses permitted within this District.
- E. Essential service structures and buildings.
- F. Mini-self storage facilities.
- G. Warehouse storage and transfer and electric and gas service buildings and yards, public utility buildings, telephone exchange buildings, electrical transformer stations and substations and gas regulator stations, water supply and sewage disposal plants, water and gas tank holders, railroad transfer and storage tracks, railroad rights of way and freight terminals.
- H. Wholesale and retail nursery.
- I. Data processing and computer centers including the servicing and maintenance of electronic data processing equipment.

### SECTION 9.03 - 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 15.

- A. Restaurants (including cafeteria facilities for employees).
- B. Bus, truck, taxi and rail terminals.
- C. 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 of manufactured products or equipment, small tools, pneumatic tires, two (2) and four (4) wheeled utility trailers, household equipment, pneumatic-transit cement mixers, wheelbarrows, rollers and similar products or equipment.
- D. Wholesale warehousing and material distribution centers, provided all products and materials are enclosed within a building.
- E. Airport.
- F. Gasoline/service station.
- G. Banks.
- H. Automobile repair garages, and collision services when completely enclosed.
- I. Sales, leasing, and storage of contractors' equipment and supplies.
- J. Trucking or cartage facilities.
- K. Printing, lithographic, blue printing and similar uses.
- L. Lumber and planing mills when completely enclosed.
- M. Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
- N. Storage facilities for building materials, sand, gravel, stone, lumber and contractors' equipment and supplies, provided that such storage is enclosed in a building or within an obscuring wall or fence on those sides abutting all Residential or Business Districts and on any yard abutting a public thoroughfare.

- O. Packaging of previously prepared materials, but not including the baling of discards, old iron or other metal, wood lumber, glass, paper, rags, cloth or other similar materials.
- P. Tool, die, machine, welding and fabricating shops.
- Q. Retail sales of goods assembled, manufactured, compounded, processed, packaged or treated from previously prepared materials, or repaired or stored, on the premises, provided the building floor area devoted to retail sales comprises no more than twenty-five (25%) percent of principal building floor area and the outdoor sales area comprises no more than twenty-five (25%) percent of the minimum required lot area.
- R. Dry cleaning establishments.
- S. Other uses of the same nature or class as those listed as either a Principal Use or Conditional Use in this district which, as determined by the Planning Commission, are no more obnoxious or detrimental to the surrounding area than those listed.
- T. Adult Regulated Uses.
- U. Ethanol Production.
- V. Barbershops and beauty shops.
- W. Private service clubs, fraternal organizations and lodge halls.

#### **SECTION 9.04 - 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 (1) acre in area.
- B. Lot Width: The minimum lot width for lots served with a public water supply system and a public sanitary sewerage system shall be eighty (80) feet, where a lot is not so served, the minimum lot width shall be two hundred (200) feet.
- C. Lot Coverage: The maximum lot coverage shall not exceed twenty-five (25%) percent.
- D. Yard and Setback Requirements:

1. Front Yard: Not less than eighty-five (85) feet from the right-of-way line.
  2. Side Yard: Least width of either yard shall not be less than twenty (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 thirty-five (35) feet from the right-of-way line.
  3. Rear Yard: Not less than thirty-five (35) feet from the right-of-way line.
  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 forty-five (45) feet.
- F. Required Off-Street Parking: As required in ARTICLE 22.
- G. Signs: Only in accordance with the regulations in ARTICLE 21.

## ARTICLE 10

### HI - HEAVY INDUSTRIAL DISTRICT

#### SECTION 10.01 - Purpose

HI, Heavy Industrial Districts are designed primarily for manufacturing, assembling and fabrication activities, including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. HI District is so structured as to permit the manufacturing, processing and compounding of semi-finished or finished products from raw materials.

#### SECTION 10.02 - Permitted Uses

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

- A. All permitted uses allowed in LI - Light Industrial District as provided in Section 9.02 of this ordinance.
- B. Sales, leasing, and storage of contractor's equipment and supplies.
- C. Trucking and cartage facilities, truck and industrial equipment storage yards, repairing and washing equipment and yards.
- D. 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 vessel, 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 to concrete set below the frost line; if a wall is provided, its foundation likewise shall extend below the frost line.
- E. Commercial laundries, dry cleaning establishments, ice and cold-storage plants, lumber yard, automobile repair garages, construction and farm equipment sales.
- F. An accessory use, building or structure customarily incidental to any of the uses permitted within this District.



- G. The following production, processing, packaging, assembling or manufacturing uses which is not injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other matter, toxic and noxious materials, odors, fire or explosive hazards or glare or heat, including but not limited to the following:
1. Pharmaceutical preparations, cosmetics and toiletries.
  2. Plastic products such as laminate, pipe, plumbing products, and miscellaneous molded or extruded products.
  3. Stone, clay, glass and leather products.
  4. Food products, bakery goods, candy and beverages.
  5. Prefabricated buildings and structured members.
  6. Appliances.
  7. Metal fabrication and tool and die shops.
  8. Fabrication of paper and wood products such as office supplies, bags, books, cabinets, furniture and toys.
  9. Production, manufacturing, processing and packaging of such products as cereals, dog foods, soft drinks, and distillation of grains and fruits.
  10. Drop forges, heavy stamping, fabricating, assembly and other manufacturing processes, except tanneries, slaughterhouses, stockyards, oil refineries or soap factories.
- H. Packaging operations, but not including baling of discarded or junk materials, such as, but not limited to: paper, cloth, rags, lumber, metal or glass.
- I. Printing, lithographic, blue printing and similar uses.
- J. Automobile repair garages and collision services when completely enclosed.
- K. Lumber and planing mills when completely enclosed.
- L. Packaging of previously prepared materials, but not including the baling of discards, old iron or other metal, wood lumber, glass, paper, rags, cloth or other similar materials.

- M. Other uses of the same nature or class as those listed as either a Principal Use or Conditional Use in this District, which as determined by the Planning Commission, are no more obnoxious or detrimental to the surrounding area than those listed.
- N. Ethanol Production.

### **SECTION 10.03 - 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 15.

- A. Public or private sanitary landfills, junkyards, inoperative vehicle storage.
- B. Quarries, sand and gravel pits.
- C. Wholesale business, including warehouse and storage.
- D. Salvage yards, provided that they are entirely enclosed in buildings or within an eight (8) foot obscuring wall, and provided, further, that one (1) property line abuts a railroad right-of-way. There shall be no burning on the site, and all industrial processes involving the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.
- E. Municipal waste or water treatment facilities.
- F. Cellular telephone, radio and television towers and facilities.
- G. Adult Regulated Uses.
- H. Blast furnaces, steel furnaces, and blooming or rolling mills.
- I. The manufacture of corrosive acid or alkali, cement, lime, gypsum, or plaster of Paris.
- J. The production, refining or storage of petroleum, or other inflammable liquids
- K. The manufacture of iron, aluminum, bronze and other castings.
- L. Restaurants (including cafeteria facilities for employees).

## SECTION 10.04 – Regulations

The following regulations shall apply in all HI - Heavy Industrial Districts:

- A. Lot Area: No building or structure shall be established on any lot less than five (5) acres in area.
- B. Lot Width: The minimum lot width shall be three hundred thirty (330) feet.
- C. Lot Coverage: The maximum lot coverage shall not exceed sixty (60%) percent.
- D. Yard and Setback Requirements:
  - 1. Front Yard: Not less than eighty-five (85) feet from the right-of-way line.
  - 2. Side Yard: Least width of either yard shall not be less than fifty (50) feet, except where the side yard on the road or street shall not be less than sixty (60) feet from the right-of-way line.
  - 3. Rear Yard: Not less than fifty- (50) feet from the right-of-way line.
- E. Height: Except as otherwise provided in this Ordinance, no building or structure shall exceed a height of one hundred (100) feet.
- F. Required Off-Street Parking: As required in ARTICLE 22.
- G. Signs: Only in accordance with the regulations specified in ARTICLE 21 of this Ordinance.

## ARTICLE 11

### OC - OPEN SPACE WATERBODY CONSERVATION DISTRICT

#### SECTION 11.01 - Purpose

It is recognized by this Ordinance that the principal use of certain open areas within the Township is and ought to be the development, management and utilization of the natural resource base possessed by these areas. In order that this value may be maintained and this use encouraged, this Ordinance has established, based upon a well considered plan, a zoning district designed to regulate the location of buildings and structures and the use of parcels and lots in order to protect the natural resources, natural habitats of wildlife, waterways and water bodies, agricultural capabilities, public and private recreation areas, and the public health, safety and welfare by reducing the hardships and burdens imposed upon the people of the Township by the wanton destruction of resources, the improper and wasteful use of open land, wooded areas and periodic flooding and overflow of creeks and streams. In addition, this District will help protect human life, prevent or minimize material losses, and reduce the cost to the public of rescue and relief efforts occasioned by unwise occupancy or construction of buildings in areas being shown as floodplain by soil types as compiled by the U.S. Soil Conservation Service.

#### SECTION 11.02 - 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 lot may be used for general and specialized farming and agricultural activities including the raising or growing of crops, livestock, poultry and other farm animals, products and foodstuffs, and provided that any lot that is kept as idle cropland shall be so treated as to prevent soil erosion by wind or water.
- C. A lot may be used for the raising or growing of plants, trees, shrubs and nursery stock.
- D. Drives and parking areas.
- E. Essential service structures except as provided in Section 15. 16.

### **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 15.

- A. Public or private forest preserve, game refuge, golf course, parking, camping grounds, playgrounds or other recreational purposes.
- 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 recreational equipment, which is incidental and accessory to a recreational use.
- D. Landfills.
- E. All buildings and structures accessory and incidental to permitted uses in this District.
- F. Development of Natural Resources as specified in Section 15.13.
- G. One-family dwellings.
- H. Large Solar Energy Systems, pursuant to Section 15.25.

### **SECTION 11.04 - Regulations**

The following regulations shall apply in all OC - Open Space Waterbody Conservation Districts:

- A. Lot Area: No building or structure shall be established on any lot less than five (5) acres in area.
- B. Lot Width: The minimum lot width shall be three hundred (300) feet.
- C. Lot Coverage: The maximum lot coverage shall not exceed ten per (10%) percent.
- D. Yard and Setback Requirements:

1. Front Yard: Not less than sixty (60) feet from the right-of-way line.
  2. Side Yard: Least width of either yard shall not be less than fifty (50) feet; except in the case of a corner lot where the side yard on the road or street side shall not be less than sixty (60) feet from the right-of-way line.
  3. Rear Yard: Not less than fifty (50) feet from the right-of-way line.
  4. The above requirements shall apply to every lot, building or structure.
- E. Height: The following height requirements shall apply in this District for all buildings and structures: No building or structure shall exceed three (3) stories or forty (40) feet.
- F. Required Off-Street Parking: As required in ARTICLE 22.
- G. Preservation of Environmental Quality: As required in ARTICLE 14, and in a floodplain as indicated by soil types, the construction or location of bridges, outdoor equipment, bleachers and similar outdoor equipment or appurtenances, storage of materials and equipment is prohibited unless such elements would not cause any significant obstruction to the flow, or reduction in the impoundment capacity of the floodplain.
- H. Signs: Only in accordance with the regulations specified in ARTICLE 21.

## ARTICLE 12

### WIRELESS COMMUNICATION FACILITIES

#### SECTION 12.01 - Purpose and Intent

It is the general purpose and intent of the Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the Township to provide for such authorization in a manner, which will retain the integrity of neighborhoods and the character, property values and, aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.

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

- A. Facilitate adequate and efficient provision of sites for wireless communication facilities.
- B. Establish predetermined districts or zones of the number, shape, and in the location, considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.
- C. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval and use of such facilities.
- D. Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
- E. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
- F. Promote the public health, safety and welfare.

- G. Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.
- H. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in accordance with Section 12.07 of the Article.
- I. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice structures that are unnecessary, taking into consideration the purposes and intent of this section.
- J. The Township Board of the community finds that the presence of numerous tower structures would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, would have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous relatively tall tower structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety and welfare.

**SECTION 12.02 - Authorization**

- A. Subject to the standards and conditions set forth in subparagraph 12.03.A., below, wireless communication facilities shall be permitted uses in the following circumstances, and in the following districts/overlay zones:
  - 1. Circumstances creating permitted use treatment.

In the following circumstances, a proposal to establish a new wireless communication facility on an existing structure shall be deemed a permitted use:

- (a) An existing structure which will serve as an Attached Wireless Communication Facility where the existing structure is not, in the discretion of the Planning Official, proposed to be either materially altered or materially changed in appearance.



- (b) A proposed collocation upon an Attached Wireless Communication Facility, which had been pre-approved for such collocation as part of an earlier approval by the Township.
- (c) An existing structure which will serve as an Attached Wireless Communication Facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Planning Official, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
- (d) A Wireless Communication Support Structure established within a right-of-way having an existing width of more than two hundred four (204) feet.

2. Overlay Zones:

Wireless communication facilities shall be considered principal permitted uses if proposed within the Wireless Communication Facilities Overlay (WCF) Zone as indicated in the Overlay District Map.

- B. Subject to the standards and conditions set forth below, wireless communication facilities shall be authorized as conditional uses within the following districts:  
AA -Agricultural.
- C. If it is demonstrated by an applicant that a wireless communication facility is required to be established outside of a district or overlay zone identified in paragraphs A and B, above, in order to operate a wireless communication service, then, wireless communication facilities may be permitted elsewhere in the community as a conditional use, subject to the criteria and standards of Sections 12.03 and 12.05, below.

**SECTION 12.03 - General Regulations**

A. Standards and Conditions Applicable to All Facilities.

All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission in its discretion:

1. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
2. Facilities shall be located and designed to be harmonious with the surrounding areas.
3. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
4. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs, which might result in lower heights.
5. The following additional standards shall be met:
  - (a) The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure) but in no case shall exceed a height of one hundred and seventy five (175) feet from grade within a residential district, two hundred (200) feet from grade within a commercial district, and three hundred (300) feet within a manufacturing district. The accessory building contemplated to enclose such things, as switching equipment, shall be limited to the maximum height for accessory structures within the respective district.
  - (b) The setback of the support structure from any residential used or zoned property shall be at least the height of the highest point of any structure on the premises. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure.
  - (c) Where the proposed new or modified support structure abuts a parcel of land zoned or used for other than residential purposes, the minimum setback of the structure, and accessory structures, shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located. (See Section 12.04.C, below).

- (d) There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and, the type of equipment which will need to access the site.
- (e) The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirement and conditions are met.
- (f) Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform to all district requirements for principal buildings, including yard setbacks.
- (g) The Planning Commission shall, with respect to the color of the support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
- (h) The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements indicating the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.

- (i) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
- (j) The Township may require any or all documents submitted by the applicant to be reviewed by a qualified engineer, planner, etc. as a part of the review process. Fees for this review will be borne by the applicant as established by the Township Board.
- (k) Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
- (l) There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.

B. Standards and Conditions Applicable to Conditional Uses.

Applications for wireless communication facilities which may be approved as conditional uses under subparagraphs B or C of Section 12.02, above, shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions in subparagraph 12.03.A, and in accordance with the following standards:

1. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one (1) or more of the following factors:
  - (a) Proximity to an interstate or major thoroughfare.
  - (b) Areas of population concentration.
  - (c) Concentration of commercial, industrial, and/or other business centers.
  - (d) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
  - (e) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
  - (f) Other specifically identified reason creating facility need.

2. The proposal shall be reviewed in conformity with the collocation requirements of this section.

#### **SECTION 12.04 - Application Requirements**

- A. A site plan prepared in accordance with Article 25 shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
- B. The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.
- C. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
- D. The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in paragraph 12.07 below. In this regard, the security shall, at the election of the applicant, be in the form of: cash or a surety bond, establishing a promise of the applicant and owner of the property to timely remove the facility as required under this section of The Ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the community in securing removal.
- E. The application shall include a map showing existing and known proposed wireless communication facilities within the Township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any proprietary information may be submitted with a request for confidentiality in

connection with the development of governmental policy per MCL 15.243(l)(g). This Ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the community.

- F. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes shall be continuously updated during all times the facility is on the premises.

**SECTION 12.05 - Special Requirements for Facilities Proposed to be Situated Outside District/Overlay Zone.**

For facilities proposed to be located outside of a district/overlay zone identified in Sections 12.02A and 12.02B, above, an application shall be reviewed and, if approved, facilities shall be constructed and maintained in accordance with the following additional standards and requirements, along with those in Section 12.03:

- A. At the time of the submittal, the applicant shall demonstrate that a location within the district/overlay zone cannot reasonably meet the coverage and/or capacity needs of the applicant.
- B. Wireless communication facilities shall be of a design such as (without limitation) a steeple, bell tower, or the form, which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Township.
- C. In single-family residential areas, site locations outside of a district/overlay zone identified in Sections 12.02.A. and 12.02.B., above, shall be permitted on the following sites, subject to application of all other standards contained in this section:
  - 1. Municipally owned site.
  - 2. Other governmentally owned site.
  - 3. Religious or other institutional site.
  - 4. Public park and other large permanent open space areas when compatible.
  - 5. Public or private school site.

6. Other locations if none of the above are available.

## **SECTION 12.06 - Collocation**

### **A. Statement of Policy:**

It is the policy of the Township to minimize the overall number of newly established locations for wireless communication facilities and Wireless Communication Support Structures within the community, and encourage the use of existing structures for Attached Wireless Communication Facility purposes, consistent with the statement of purpose and intent, set forth in Section 12.01 above. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should collocate on Attached Wireless Communication Facilities and Wireless Communication Support Structures in the interest of achieving the purposes and intent of this section, as stated above, and as stated in Section 12.01. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Township. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township.

### **B. Feasibility of collocation:**

Collocation shall be deemed to be “feasible” for purposes of this section where all of the following are met:

1. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
2. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.

3. The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
4. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards contained in parts 12.03 and 12.05 of this section, above.

C. Requirements for Collocation:

1. A special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
2. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.
3. The policy of the community is for collocation. Thus, if a party who owns or otherwise controls a facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
4. If a party who owns or otherwise controls a facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new facility, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the Township for a period of five years from the date of the failure or refusal to permit the collocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

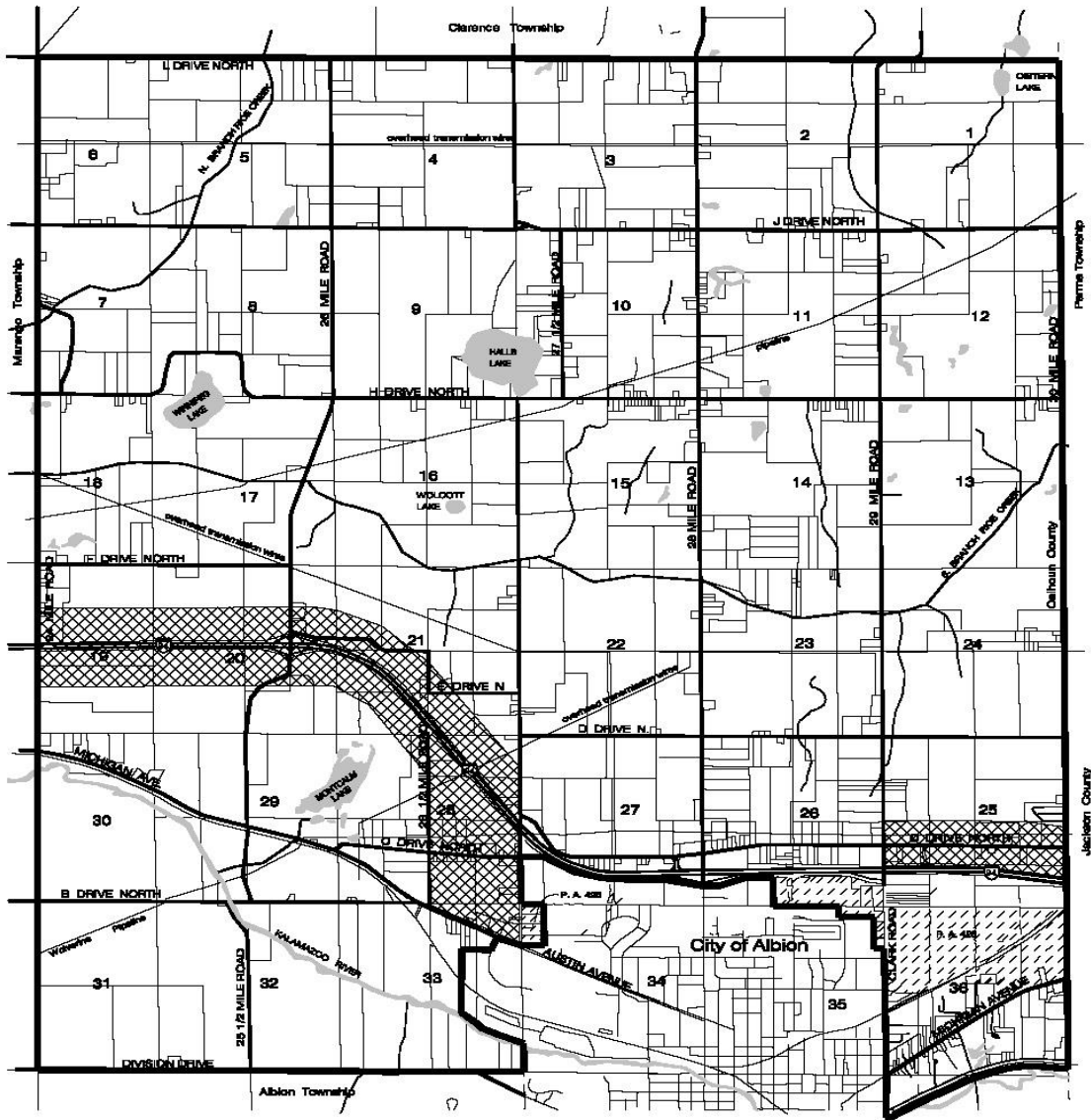


D. Incentive

Review of an application for collocation, and review of an application for a permit for use of a facility permitted under SECTION 12.02.A. 1., above, shall be expedited by the Township.

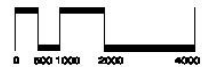
**SECTION 12.07 - Removal**

- A. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
1. When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
  2. Six (6) months after new technology is available at reasonable cost as determined by the municipal legislative body, which permits the operation of the communication system without the requirement of the support structure.
- B. The situations in which removal of a facility is required, as set forth in paragraph A above, may be applied and limited to portions of a facility.
- C. Upon the occurrence of one or more of the events requiring removal, specified in paragraph A above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Planning Official.
- D. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.



LEGEND  
 WIRELESS COMMUNICATION FACILITIES OVERLAY DISTRICT

**OVERLAY DISTRICT**  
**Township of Sheridan**  
 Township 2 South, Range 4 West  
**Calhoun County, Michigan**



Cartelle/Worlman Associates, Inc.  
 Community Planners and Landscape Architects  
 Ann Arbor, Michigan

**ARTICLE 13**

**MOBILE HOME PARK DISTRICT  
REGULATIONS**

**SECTION 13.01 - Purpose**

The intent is to provide districts of such size and location as will encourage proper mobile home residential development, adjacent to essential community services, and otherwise protect the health, safety and welfare of mobile home residents.

**SECTION 13.02 - Permitted Uses**

- A. Mobile home parks subject to the provisions of Section 13.03.
- B. Accessory uses and structures including: community building, for use of residents, common outdoor storage area, for use of residents, and other similar facilities common to mobile home parks for the use of park residents.

**SECTION 13.03 - Site Design Requirements**

The Mobile Home Code, as established by the Mobile Home Commission and the Michigan Department of Public Health Rules under the authority of 1987 P.A. 96, as amended, regulates the development of mobile home parks. All mobile home parks must be constructed according to the standards of the Code.

In addition to the rules and standards of the State of Michigan, Sheridan Township imposes the following conditions:

- A. Mobile Home Parks shall be constructed, licensed, operated, and managed in accordance with the provisions of the Mobile Home Commission Act, 1987 P.A. 96, as amended, and subsequently adopted rules and regulations governing mobile home parks.
- B. Mobile Home Parks shall not be permitted on parcels less than fifteen (15) acres in size.
- C. Individual mobile home sites within a mobile home park shall have a minimum lot size of five thousand five hundred (5,500) square feet per mobile home being served. This five thousand five hundred (5,500) square foot minimum may be

reduced by twenty (20%) percent, provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through this reduction of the site below five thousand five hundred (5,500) square feet, an equal amount of land shall be dedicated as open space. In no case shall the open space requirements be less than that required under R125.1946, Rule 946 of the Michigan Administrative Code.

- D. The on-site storage of boat trailers, boats, camping units, horse trailers and similar recreational equipment shall be prohibited on mobile home sites and in designated open space areas. The mobile home park may provide, within the confines of the park, a common outdoor storage area for the storage of the above mentioned equipment.
- E. The minimum setback for mobile home parks shall be fifty (50) feet from a public right-of-way and ten (10) feet from any adjoining property line not involving a public right-of-way. Mobile home parks shall be landscaped as follows:
  - 1. If the mobile home park abuts an existing residential development, the park shall be required to provide landscape screening along the park boundary abutting the residential development.
  - 2. If the park abuts a non-residential development, the park need not provide screening.
  - 3. In all cases, however, a park shall provide landscape screening along the park boundary abutting a public right-of-way. The landscape screening shall consist of evergreen trees or shrubs of minimum three (3) feet in height, which is spaced so they provide a continuous screen at maturity. A landscape berm may be incorporated within the landscape screen. The Planning Commission shall approve walls and fences used in conjunction with a landscape screen during preliminary site plan review. Standard concrete block walls and wood stockade type fencing shall not be permitted. Preferred walls used for screening include pre-cast post and panel concrete walls, architectural textured concrete masonry wall, and brick veneer face concrete block wall. Preferred fencing includes standard board on board fencing, panel fencing, solid board fencing, or a combination of these.
- F. Mobile Home Parks shall be subject to preliminary plan review requirements in accordance with 1987 P.A. 96, as amended.

- G. A permit shall not be required for the construction or erection of canopies or awnings, which are open on three (3) sides. A building permit shall be required, however before the construction or erection of any screened, glassed-in, or otherwise enclosed awning or canopy.

## ARTICLE 14

### SUPPLEMENTAL REGULATIONS

#### SECTION 14.01 - Application of Supplemental Regulations

The following regulations 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.

#### SECTION 14.02 - Accessory Buildings

- A. Where an accessory building is attached to the side or front of a principal building, such accessory building shall be considered part of the principal building for purposes of determining required yard dimensions, but if such accessory building is attached to the rear of the principal building, it shall be considered a detached accessory building for purposes of determining required rear yard dimensions.
- B. No accessory building shall project into any front yard setback.
- C. Where a corner lot adjoins a side boundary of a lot in any residential district, no accessory building shall be located nearer to the side street lot line than the side yard setback of the principal building on said lot.

#### SECTION 14.03 - Lot/Building Relationship

Hereafter, every building 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 buildings or structures shall be located or erected on each lot.

#### **SECTION 14.04 - Accessory Building as a Dwelling**

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

#### **SECTION 14.05 - Basement as a 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. This excludes berm homes constructed in accordance with Township building codes.

#### **SECTION 14.06 - Required Water Supply and Sanitary Sewerage Facilities**

In addition to the requirements established by the Calhoun County Health Department, the following site development and use requirements shall apply:

- A. No structure for human occupancy or use shall hereafter be erected, altered, or moved 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.
- B. No drain field for a septic tank system shall be located nearer than one hundred fifty (150) feet from the normal high water line of any surface body of water nor located in an area where the ground surface is less than four (4) feet above the normal high water table level.

#### **SECTION 14.07 - Greenbelt Buffer**

Prior to the commencement of construction of any structure or building in a commercial district or industrial district where such property abuts, adjoins, or is adjacent to a residential zone, a greenbelt shall be established. However, where permitted elsewhere in this Ordinance, an opaque wall or fence may be built in lieu of a greenbelt. A greenbelt, minimum width of twenty-five (25) feet, shall be completed within six (6) months from the date of final inspection and shall thereafter be maintained, so as not to create a nuisance, with but not limited to any combination of the following plant materials: grass, evergreens, deciduous trees, shrubs and bushes.

#### **SECTION 14.08 - Access to a Street**

Any lot of record created prior to the effective date of this Ordinance without any

frontage on a public street or way shall not be occupied except where access to a public street or way is provided by a public or private easement or other right-of-way no less than twenty (20) feet in width. Public access to commercial, industrial or recreational uses shall not be designed so as to pass through the residential neighborhoods. A private road which serves more than one (1) separately held parcel, or more than one (1) dwelling unit, or more than one (1) commercial or industrial activity shall be constructed to Calhoun County Road Commission standards provided, that while such road remains private, hard surfacing will not be required.

#### **SECTION 14.09 - Visibility at Intersections**

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three (3) feet above street grade or any corner lot or parcel within the triangular area formed by the intersecting street right-of-way line at points which are thirty (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 14.10 – 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 14.11 - Height Regulations**

The height requirements established by this Ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance: spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylight, water tanks, bulkheads, utility poles, power lines, radio and television broadcasting and other receiving antennae, 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 having jurisdiction.

#### **SECTION 14.12 - Fences, Walls and Screens**

Fences, as defined by this ordinance, located within the front yard setback of a lot or



parcel residentially zoned shall be of an open design such as chain link, ornamental iron, rail, and picket where the ratio between open space and fence material is at least 50:50 or its equivalent. Opaque fences such as basket weave and stockade are not permitted within the required front yard. Further, fences located within the front yard shall be no greater than four (4) feet in height. Fencing located behind the front yard shall be no greater than eight (8) feet in height. No fencing of any kind shall be permitted within the front yard setback of commercial, office, or industrial property. In the cases where site plan review is required, the location of all proposed fencing must be clearly illustrated on the site plan for review of the Township. Barbed wire shall not be permitted on or adjacent to any residentially used or zoned property. Except as specified in Section 4.02.D.1 of this Ordinance, fencing shall not be subject to yard setbacks.

#### **SECTION 14.13 - Essential Services**

For purposes of this Ordinance, the following provisions shall apply:

- A. The surface of land used for pipeline right-of-ways shall be restored and maintained as near as possible to its original condition as prior to the construction of the pipeline.
- B. Essential services shall be exempt from all area requirements in the Agricultural, Industrial and Open Space Waterbody Conservation Districts.

#### **SECTION 14.14 - Swimming Pools**

All swimming pools shall conform to the requirements of Public Act 230, of the Public Acts of 1972, State Construction Code.

#### **SECTION 14.15 - Placement/Construction of Single-Family Detached Structures**

The purpose of this provision of the Zoning Ordinance is to provide reasonable standards, which ensure that all single-family homes regardless of construction type (e.g. site built or factory built) are compatible and compare aesthetically within the same residential zone.

Sufficient evidence must be submitted to the Township Building Inspector to assure that the following standards are met by single-family homes prior to location on a site in the Township.

- A. Minimum Floor Area: That from and after February 28, 1993 all site built homes constructed and all mobile and modular homes located within Sheridan Township for single-family residences shall have a floor area of not less than seven hundred twenty (720) square feet, except when located in a mobile home park.

All single-family dwelling units, including site built homes, mobile and modular homes, to be constructed or located in Sheridan Township shall conform to these standards. These standards shall apply to all single-family residences built or brought into the Township, those whose location is changed within the Township or on a lot and those dwellings, mobile or modular homes which replace an existing mobile home or dwelling.

- B. Square Footage Determination: In determining, the square footage referred to in A, above, any additions or attempted addition shall not be considered or permitted in an effort to meet the minimum requirements.

Two (2) or more mobile homes may not be tied together nor may a mobile home be added to an existing mobile home. No mobile home may be installed as an addition to an existing conventionally constructed home, nor may a stick construction home be added to a mobile home.

- C. Sanitary Permit: Prior to commencing construction or prior to placement of any mobile or modular home there shall be obtained a sanitary permit from the Calhoun County Health Department.

- D. Used Mobile Home: Used mobile and modular homes must pass Township inspection prior to being placed in Sheridan Township. No mobile or modular home needing repairs may be placed upon a building site until the necessary repairs are made and the Township building, electrical and mechanical inspector have approved the repairs.

- E. Minimum Foundation Requirements: As per Township Adopted, Michigan Construction Code, all residential structures placed on private property shall be placed on permanent frost free footings and shall have the same perimeter dimensions as the structure.

- F. Anchoring System: All mobile homes must be anchored by means of a combination of ties, anchoring equipment, and ground anchors that will, when properly installed, resist movement of an in place mobile home caused by wind force, and of approved materials installed according to manufacturer's specifications or other material and methods of installation as approved by the code official.

- G. Skirting, Tongue, Wheels and Undercarriage: All mobile homes must be skirted. This material between the ground and the base of the mobile home must conform and be of similar material as to the original structure, it shall be vented, and be manufactured of fire resistant material and certified as such by the manufacturer, and so attached to the structure so as to deter and prevent entry of rodents and insects. The tongue, wheels and undercarriage shall be removed.
- H. Concrete Pad: In addition to the footing requirements section, each mobile home site shall be provided with a stand consisting of a solid concrete pad not less than four (4) inches thick, and not less than the length and width of the mobile home that will use the site. This pad will be so constructed, graded and placed to be durable during all seasons.
- I. Occupancy: Occupancy may not occur in a site built, mobile or modular home until all construction has been completed in accordance with Township Building Codes and Ordinances and has been inspected and approved.
- J. All homes permitted under this Section shall meet all requirements imposed under ARTICLE 14 (Supplemental Regulations).
- K. All mobile homes shall be in compliance with all local, state and federal laws including Article 13 of this Ordinance.
- L. All homes permitted under this Section shall be firmly attached to frost free foundations in compliance with the provisions of the building code and State law.
- M. Any accessory uses involving the construction of accessory buildings and/or additions to the home shall meet the requirements of this Ordinance and the Township Building Code.
- N. All homes permitted under this Section shall be aesthetically compatible in design and appearance with homes within the area including a roof with compatible pitch and overhang, appropriate siding or exterior finishes, front and rear or front and or exterior doors, permanently attached steps or porch areas constructed in a manner consistent with the design of other homes within the area.
- O. All homes shall have a minimum basic width dimension of not less than twenty-four (24) feet as measured across any front, side and rear elevation.
- P. The standards contained in this Section do not apply to mobile homes located in a Mobile Home Park.

- Q. The standards do not allow or permit the placement or construction of a home in those areas where deed restrictions or other covenants prevent it.

## **Section 14.16 - Adult Regulated Uses**

A. Intent and Purpose.

In the development and execution of this Ordinance, it is recognized, based upon studies undertaken and reported by other communities, that there are some uses which, because of their very nature, are recognized as having serious objectionable, operational characteristics when concentrated with certain other uses under certain circumstances thereby having a deleterious affect upon adjacent areas, as well as the community as a whole. Relying on such studies, the Township Board has concluded that special regulation of these uses is necessary to ensure that these adverse affects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this Section. This regulation is for the purpose of preventing adverse secondary effects associated with such uses.

The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution, or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities, which are prohibited by Township ordinance or state or federal law. If any portion of this Ordinance relating to the regulation of such businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

B. Regulated Uses.

The following uses are considered "adult regulated uses":

1. Adult Uses (i.e. adult arcade, adult book store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency)
2. Sexually Orientated Businesses

3. Sexual Encounter Centers

C. Regulated Use Definitions.

1. Adult uses include:

- a. *Adult Arcade.* A place to which the public is permitted or invited to view motion pictures, video or laser disc pictures or other products of image-producing devices where the images displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas”.
- b. *Adult Book Store.* Adult novelty store or adult video store, defined as a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration reading materials, photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; or instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities”.
- c. *Adult Cabaret.* A night club, bar, restaurant, or similar commercial establishment which regularly features: persons who appear in a state of nudity or semi-nudity; live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.
- d. *Adult Motel.* A hotel, motel, or similar commercial establishment that:
  - 1) Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and has a sign visible from the public right-of-way that advertises the availability of any of the above;

- 2) Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
  - 3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- e. *Adult Motion Picture Theater.* A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
  - f. *Adult Theater.* A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".
  - g. *Escort Agency.* A person or business association who furnishes or offers to furnish, or advertises escorts as one of its primary business purposes for a fee, tip, or other compensation. This shall not include persons or business associations that furnish individuals whose function is to provide assistance to senior citizens, or to persons who are physically or mentally handicapped.
2. *Sexually Orientated Business.* A business or commercial enterprise engaging in any of the following: (a) adult arcade; (b) adult bookstore or adult video store; (c) adult cabaret; (d) adult motion picture theater; (e) adult theater; (f) escort agency; (g) sexual encounter center.
  3. *Sexual Encounter Centers.* A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
    - a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
    - b. Activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity.

D. Other Definitions.

1. *Escort.* A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person or who agrees or offers to privately model lingerie or to privately perform a strip tease for another person.
  - a. *Nudity/State of Nudity.* The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or a showing of the covered male genitals in a discernibly turgid state. Public nudity does not include:
    - 1) A woman breastfeeding whether or not exposed.
    - 2) Material defined in Section 2 of Act No. 343 of the Public Acts of 1984, being Section 752.362 of the Michigan Compiled Laws.
    - 3) Sexually explicit visual material defined in Section 3 of Act 33 of the Public Acts, being Section 722.673 of the Michigan Compiled Laws.
  - b. *Principal/Primary Purpose.* A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of the material identified and still be categorized as an Adult Bookstore, Adult Video Store or Adult Novelty Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises thirty-five (35%) percent or more of sales volume or occupies thirty-five (35%) percent or more of the floor area or visible inventory within the establishment.
  - c. *Semi-nude/Semi-nude Condition.* The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.

- d. *Specified Anatomical Areas.* The human male genitals in a discernibly turgid state, even if completely or opaquely covered; or less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.
- e. *Specified Sexual Activities.* Includes any of the following: the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or excretory functions as part of or in connection with any of the activities previously mentioned in this definition.

E. Location and Additional Requirements.

In addition to compliance with the other provisions of Township Ordinances, the following shall apply:

1. No regulated use may be located within one thousand (1,000) feet of another regulated use.
2. No regulated use may be located in or within seven hundred fifty (750) feet of any residential zoning district, school property, church, public park, child care facility, nursery, pre-school, a lot or parcel in residential use or other use which is primarily oriented to youth (less than eighteen (18) years of age) activities.
3. The regulated use shall be measured in a straight line from the nearest property line upon which the proposed regulated use is to be located to the nearest property line of the residential zoning district, school property, church, public park, child care facility, nursery, pre-school, a lot or parcel in residential use or other use which is primarily oriented to youth (less than eighteen (18) years of age) activities.
4. Regulated uses shall be permitted in the LI, Light Industrial District and HI Heavy Industrial District and deemed special land uses subject to the standards and approval requirements as provided in Article 15 of the Sheridan Township Zoning Ordinance.
5. No regulated use shall be located in any principal or accessory structure already containing a regulated use.



6. The proposed regulated use must meet all applicable written and duly promulgated standards of the Township and of other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
7. The proposed regulated use shall conform to all standards of the zoning district in which it is located.
8. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent roadways.
9. Entrances to a proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: a) "Persons under the age of eighteen (18) are not permitted to enter the premises," and b) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.
10. Sexually oriented business hours of operation shall be limited to 9:00 a.m. to 11:00 p.m., Monday through Saturday.
11. All off-street parking areas shall comply with Township Ordinances and shall additionally be illuminated during all hours of operation of the sexually oriented business, and until one (1) hour after the business closes.
12. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of "specified anatomical areas" or "specified sexual activities":
  - a. Is handicap accessible to the extent required by the Americans with Disabilities Act.
  - b. Is unobstructed by any door, lock or other entrance and exit control device.
  - c. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant.

- d. Is illuminated such that a person of normal visual activity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.
  - e. Has no holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code or authority.
- 13. No person operating a sexually orientated business shall permit any person under the age of eighteen (18) years of age to be on the premises.
  - 14. No person shall reside in or permit any person to reside in the premises of a regulated use.
  - 15. Any prior existing, non-conforming use or permitted use abandoned for ninety (90) days shall be required to re-apply for special land use approval.
- F. Appeal to Zoning Board of Appeals.

If the Planning Commission denies a site plan, application for a special land use permit, or both, for a regulated use, the applicant shall be entitled to prompt review of the denial by the Township Zoning Board of Appeals.

G. Existing Structures.

Except as otherwise provided in this Ordinance, existing structures and/or uses which are in violation of this Section shall be subject to the regulations set forth in Article 20, of this Ordinance, governing non-conforming structures and uses.

**SECTION 14.17 - Land Division Regulations**

- A. Required Petition: Only upon the filing of a petition by the owner or owners of all interests therein, may acreage parcels be divided, upon resolution of the Township Board.
- B. Required Information:
  - 1. Said petition shall contain at least the following information:

- a. The name of the owners or owners of all interests in the subject property.
  - b. The legal description of the parcel to be divided together with the number of total acres involved.
  - c. A copy of the most recent tax bill pertaining to the parcel. Satisfactory evidence that all taxes are paid and current shall be provided at the time of application.
  - d. A drawing showing the boundaries of the parcel prior to the proposed division and a drawing showing the proposed division including the square footage of each resulting parcel.
  - e. The proposed use for each of the divided parcels.
  - f. A copy of all deed restrictions and covenants either existing or proposed which shall run with the land, whether recorded or not.
  - g. The date of any previous applications for divisions involving any portion of the subject property together with copies of the decisions rendered with respect to said applications, if any.
  - h. The person to whom all correspondence concerning said petition is to be directed with specific appointment of said person as agent for all owners.
2. Said petition shall be filed with the Township Clerk and upon payment of the fees required under Section 14.17.B.1.g, the petition shall be scheduled on a future Planning Commission agenda in accordance with Planning Commission procedures. Incomplete petitions may be rejected or otherwise processed in accordance with Planning Commission procedures.

C. Standards:

1. No division shall be granted which creates a parcel smaller than the minimum size required under the terms of this Ordinance except as provided in Section 14.17.C.2 as follows:

2. The Township Board may grant the division which creates a parcel smaller than the minimum size required under the terms of this Ordinance where such a division results in an increase in the size of adjacent parcels even though the increased resulting area of such parcels does not conform to the requirements of this Ordinance. The Township Board shall not finally approve such a division until the petition has been presented to the Zoning Board of Appeals and a variance granted allowing the proposed use of the subject parcel.
3. Except for the divisions permitted under Section 14.17.C.2, parcels resulting from an approved land division shall not exceed depth to width ratio of more than four (4) to one (1).
4. For purposes of this subsection:  
  

“Lot” - In addition to the meaning found in ARTICLE 2, “lot” shall also mean a parcel of land shown in a request for an acreage division.
5. All parcels created under the provisions of this amendment shall have direct frontage on a public street or road, which is dedicated to the public or on a private road provided, however, that no access through easements across other land parcels will be permitted.
6. Where an amendment to the Zoning Ordinance is required, or a variance of the terms of the Ordinance is necessary for a proposed use of any of the subject parcels, the necessary petition shall be submitted in addition to petition for an acreage division.
7. The minimum road frontage in all acreage divisions shall be two hundred (200) feet unless otherwise allowed by zoning district regulations. Created parcels shall have continuous road frontage.
8. The Planning Commission shall make a recommendation regarding land division to the Township Board for their consideration. Odd shaped parcels (other than parallelograms) as determined by the Planning Commission or Township Board shall require a three-fourths (3/4) affirmative vote of the membership present of the Planning Commission or approval of the Zoning Board of Appeals prior to presentation of the petition to the Township Board for approval by resolution.

D. Deed Restrictions: In each instance where a divided parcel is to be joined with a neighboring parcel to create the larger building site as authorized in Section 14.17.C.2, the owner of both the parcel to be divided and the adjoining parcel

shall join in a restrictive covenant agreeing to said joining and restricting said property as a single parcel and providing such other restrictions or limitations as the Township Board may require.

- E. Survey: Prior to the entry of an approved division in the Township records, the applicant shall provide the Township with a survey of the subject property together with legal descriptions of all parcels as prepared by a registered land surveyor or civil engineer. The survey shall include all existing buildings and structures on the property and all easements, whether recorded or not. The applicant may submit a scale drawing containing the above information.
- F. Entry of Approved Divisions: Upon the approval of a proposed division by the Township Board, the Township Board shall order all action necessary to effectuate the approved division.
- G. Fees: Fees, as established by resolution of the Township Board and kept on file with the Township Clerk, shall be paid by each petitioner.

#### **SECTION 14.18 - Private Road Standards and Procedures**

- A. Access Requirements: All parcels of land which are not part of a recorded plat shall have access to a dedicated public street or access to a private road as described herein.
- B. Required Approval: No person shall commence construction of a private road within the Township without prior approval by the Township Board. Applications for approval shall conform to the rules of procedure as promulgated by the township Engineer and as adopted by the Township.

A construction permit for a private road as approved by the Township Board shall be valid for a period of not more than two (2) years. The developer of a private road shall be responsible for maintenance of the private road until such time a dwelling is built and occupied or a maintenance agreement is in effect. The developer is also responsible for policing all parcels that remain unsold of all dumping and trash.

- C. Standards:
  - 1. All private roads shall meet the following specifications:
    - a. The right-of-way for all private roads shall be a minimum of sixty-six (66) feet in width and shall be created by a permanent, recorded

easement for purposes of ingress and egress for all abutting lots, which must use the private road for those purposes.

- b. Plans shall show all existing and proposed grades, the location of all existing and proposed drainage facilities and structures and any other physical conditions existing adjacent to the subject private road.
- c. Maximum gradient shall be eight (8%) percent on said private road. Vertical curves shall be used at all changes in grade. Site distances on said curves shall be a minimum of one hundred fifty (150) feet.
- d. The angle of intersecting streets shall be between sixty-five (65) degrees and ninety (90) degrees. Minimum radius at intersections shall be thirty (30) feet measured along the parcel boundaries.
- e. There shall be a minimum of fifty (50) feet of flat gradient along the centerline profile of the new private road from the centerline of the public road before entering into a vertical curve.
- f. An aggregate surface twenty-four (24) feet wide shall be constructed upon prepared subgrade in accordance with the provisions of this ordinance. Topsoil shall be stripped and stockpiled outside the sixty-six (66) feet right-of-way easement and spread in the ditches and on the slopes at the completions of the project.
- g. The surfacing materials shall be compacted in the excavated area for the full length and width to create a uniform and generally smooth surface. In addition, there shall be a center rise or crowned cross section rising not less than four (4) inches measured from shoulder to shoulder and not more than eight (8) inches measured from shoulder to shoulder.
- h. The top four (4) inches course shall consist of 22A aggregate as defined by the Michigan Department of Transportation Specifications. The sub base shall consist of a minimum of ten (10) inches of pit-run gravel laid in two (2) five - (5) inch courses, each course compacted with a grader. Maximum stone size of the pitrun gravel shall be one and one half (1-1/2) inch. Any stones larger than one and one half (1-1/2) inch, shall be removed before placing the top four (4) inch course. All trees, stumps, brushes, and the roots thereof, shall be entirely removed and disposed of outside the

sixty-six (66) foot easement area.

- i. Drainage ditches shall be constructed on each side of the proposed private road in cut sections and fill sections where required to a minimum depth of two (2) feet and deeper where necessary at intersections to permit culverts to be installed. Either concrete or twelve (12) gauge corrugated metal pipe shall be used at intersections and at driveway entrances. Minimum inside diameter of a crossroad culvert shall be fifteen (15) inches and a minimum inside diameter for a driveway culvert of twelve (12) inches with a minimum length of twenty-two (22) feet. Sodding, planting, riprapping, topsoil, seeding or other measures of erosion control shall be used where required. In areas of critical drainage, the Township Engineer will specify the culvert size and length.
  - j. Private roads, which are cul-de-sacs, shall have a maximum length of six hundred (600) feet measured from centerlines of intersections along the centerline to the furthest point of the cul-de-sac. Exceptions may be made where unusual topographic conditions exist or where land configurations require a maximum length extension to otherwise meet the purposes of this Ordinance.
  - k. For intersections with public roads, the design of the radius, road throat width, de-acceleration and acceleration lanes, bypass lanes, tapers, drainage and all other work within public road right-of-way shall be under the jurisdiction of the Calhoun County Road Commission and Board of Public Works. No work of any kind may take place in public road right-of-ways without an approval permit from the Road Commission
  - l. No private road will be accepted into the public road system unless it meets the current requirements of the Road Commission.
2. No private road shall:
    - a. Provide access to more than one dedicated public road.
    - b. Provide access to another private road.
  3. The applicant shall submit at least two (2) proposed names for a private road to the Township Board.

4. The applicant shall submit a drawing of said private road, as well as a letter of intent stating general specifications for said private road, including total proposed length. In no event shall any private road be extended beyond the length as shown on said drawings and letter of intent.
5. For any parcel of land not fronting on an established public road, an easement for the construction and maintenance of various public utilities including natural gas, electric, telephone, sewer, water, storm sewer, or similar improvement shall be provided. No building permit shall be granted for any parcel fronting on the private road until the applicant has provided such easement.

D. Deed Restrictions:

1. Prior to the approval of the proposed private road, the applicant shall submit to the Township a set of deed restrictions in a form acceptable to the Township which shall provide for the creation of the private road easement and the creation of a homeowners association whose members shall be the property owners abutting said road. The association shall be responsible for the up-keep and maintenance of said road. No more than one (1) association shall be responsible for any one (1) private road. The Township shall be given the authority to assess the parcels of owners who become delinquent in the payment of their portion of the maintenance and upkeep costs and fees expended by the Township relating to this assessment. Said restrictions shall be recorded prior to the completion of the road.
2. The applicant shall also submit to the Township a document, in a form sufficient for recording with the County Register of Deeds stating that in no event shall the association, the individual homeowners, the applicant or their heirs or assigns hold the Township liable for the costs of road signs, traffic control signs, maintenance, lighting or snow removal.
3. Owners of private roads existing as of the date of the adoption of this Ordinance may petition the Township Board for permission to enter into a maintenance agreement, with authority given to the Township Board to assess the parcels of owners who become delinquent in the payment of their portion of the maintenance and upkeep costs, as provided in this Ordinance by submitting to the Township Board the following:



- a. A petition, executed by one hundred (100%) percent of the owners of said private road, requesting that the Township be given the authority to make the assessments provided for herein.
- b. A set of proposed deed restrictions or in the alternative, a proposed maintenance agreement, in form acceptable to the Township Board, in a form sufficient for recording with the County Register of Deeds, executed by one hundred (100%) percent of the owners of the private road which shall provide for the maintenance and upkeep of the private road and which shall also give the Township Board the authority to make the assessments provided in this Ordinance. In the event of ownership by joint tenants, tenants-in-common, or tenants by the entireties, signatures of all those with an ownership interest in the private road shall be required. The maintenance agreement or deed restrictions shall be considered covenants running with the land.
- c. One hundred (100%) percent of the owners of the private road shall also submit to the Township a document, in a form sufficient for recording with the County Register of Deeds, stating that in no event shall the association, if any, the individual owners, or their heirs or assigns hold the Township liable for the costs of road signs, traffic control signs, lighting or snow removal.

The Township Board shall have the discretion to accept or reject any request to assume partial or total responsibility for the making of the assessments provided for herein. If the Board accepts the request, the proposed deed restrictions and/or maintenance agreement shall be executed forthwith and recorded in the office of the County Register of Deeds, prior to the making of any assessments by the Township. Term owners of private road shall be construed to mean those properties that either abut or front said private road.

- d. Preparation of Plans and Legal Descriptions: All drawings, legal descriptions and private road specifications shall be prepared and sealed by a registered civil engineer and/or registered land surveyor.
- e. Conditions for Issuing of Permit:
  - 1) Except as provided in this Ordinance, no building permits shall be issued for parcels abutting private roads until the

Township Engineer has reported to the Township Board that said private road meets the standards provided herein.

- 2) Building permits may be issued prior to the required reports by the Township Engineer when any or all of the following conditions are satisfied, and subject to the sub-base being installed within the private road and approved by the Township Engineer.
  - a) The subject parcel also abuts a dedicated public county road and,
    - i. Construction permits have been obtained by the applicant for the building permit from Calhoun County Road Commission for the construction of an entrance from the subject parcel onto the County right-of-way;
    - ii. The applicant's plans provide that no other parcel shall have access permitted through said entrance to the County right-of-way unless the driveway is improved to the standards contained herein.
  - b) The building permit applicant supplies a performance bond guaranteeing the completion of the private road according to the standards provided herein. The surety bond, to be executed by a surety company authorized to do business in the state of Michigan shall be in an amount determined by the Township Board to be reasonably necessary to insure compliance hereunder.
  - c) In fixing the amount of such surety bond, the Township Board shall take into account the size of the proposed private road, the current prevailing costs of completing the road upon default of the applicant, the estimated expense to compel the applicant to comply with the terms of this ordinance by court order or such other conditions and facts as might be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each application. In the alternative, the Township Board may accept a

cash bond to be held by the Township under the terms of a written agreement between the applicant and the Township.

- 3) Notwithstanding the provisions of this Ordinance, certificates of occupancy will not be issued until the Township Engineer has reported the completion of the road as provided for in this Ordinance.

#### **SECTION 14.19 - Performance Guarantee**

In the interest of insuring compliance with this Zoning Ordinance and protecting the natural resources and the health, safety and welfare of the residents of the Township and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Planning Commission as a condition of approval of the proposed use may require the applicant to deposit a performance guarantee as set forth herein to insure completion of improvements connected with the proposed use required by this ordinance including but not limited to roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and widening strips.

- A. Performance guarantee as used herein shall mean a cash deposit, certified check, or irrevocable bank letter of credit in the amount of the estimated cost of the improvements to be made as determined by the applicant and confirmed and verified by a representative of the Township.
- B. Where the Planning Commission, as a condition of approval of a proposed use of land requires a performance guarantee, said performance guarantee shall be deposited with the Clerk of the Township prior to the issuance of a building permit by the Township for the development and use of the land. Upon the deposit of the performance guarantee the Township shall issue the appropriate building permit and the Township Clerk shall thereafter retain said deposit, however, if said deposit is in the form of cash or certified check, then it shall be transferred to the Township Treasurer for deposit in an interest bearing account.
- C. Where a performance guarantee is required by the Planning Commission as a condition of approval for a proposed use, the Planning Commission shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed, said period to run from the date of the issuance of the building permit.

- D. In the event the performance guarantee deposited is a cash deposit or certified check, the Township shall rebate to the applicant amounts of money in reasonable proportions to the ratio of the work completed on the improvements by the applicant as confirmed by the Township Engineer.
- E. Upon the satisfactory completion, as determined by the Township, of the improvement for which the performance guarantee was required, the Clerk shall notify the Treasurer of the Township to return to the applicant the performance guarantee deposited and any interest earned thereon.
- F. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements.
- G. In the event the applicant defaults in making the improvements and the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay to the Township the amounts by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited.

#### **SECTION 14.20 - Environmental Impact Assessment**

It is the intent of this Section to ensure that the purpose of the Ordinance as set forth in Section 1.02, Purposes, is fulfilled through the submittal of an "Environmental Impact Assessment" which contains the information as provided in this Section. The protection and conservation of irreplaceable natural resources from pollution, impairment, or destruction, is of paramount concern.

- A. Approval. The Planning Commission shall have the function, duty, and power to approve, disapprove, or to conditionally approve the Environmental Impact Assessment subject to compliance with certain modifications and conditions, in accordance and in conjunction with the review and approval of a site plan, subdivision plat or condominium plan, with the purpose and intent of this Ordinance.
- B. Required. An Environmental Impact Assessment shall be filed for any petition for site plan, condominium or subdivision review, special approval use permits, or lot split involving a private road in which two (2) of three (3) possible environmental factors are involved. Those factors are the on-site existence of

floodplains, wetlands over one (1) acre, woodlots over one (1) acre. If only one (1) such factor is present, the Planning Commission may require an Environmental Impact Assessment.

C. Submittal. An Environmental Impact Assessment shall be presented to the Planning Commission for approval or disapproval, or approval subject to compliance with certain modifications and conditions in accordance with the purpose and intent of this Ordinance along with the materials and in conformance with the requirements as specified in the following.

1. A description of the proposed project including the location, purpose, and extent of the project.
2. The existing zoning and building requirements for the proposed project.
3. Whether any local, state, and federal permits are required for the project and if so, a designation of those required local, state, and federal permits.
4. A description of the natural and cultural features of the project including but not necessarily limited to:
  - a. A description of the topography of the land and soil.
  - b. The existing water resources including surface water, groundwater, drainage, flood plains and wetlands, water quality, and the effect of the project on any aquifer of same and/or neighboring wells.
  - c. A description of the existing vegetation, including the existence of any landmark trees, habitat, and wildlife.
  - d. A description of the existing aquatic ecosystems, including a description of the fish species and habitat; and
  - e. A description of the proposed land use, water use, economic, and social conditions, any archaeological and historical resources and community facilities and services, which are in existence.
5. A statement describing the environmental impact of the proposed project which shall include the following:
  - a. A description of the impact on the topography and soils including any disruption, erosion, etc.

- b. A description of the impact on water resources including:
- The effect on any surface water.
  - The effect on any groundwater or water table, aquifers, and existing wells.
  - The effect on any water discharges, increased storm water runoff, or alteration of natural drainage.
  - A description of the water quality of both surface and groundwater.
  - A description of the susceptibility of the project to flooding.
  - A description of any wetlands impact.
- c. The report shall summarize the impact on terrestrial ecosystems (the relationship between the land resources and the organisms which depend upon it) including a description of the impact on the following:
- The vegetation and habitat, describing in particular whether there would be any alteration and/or loss to said vegetation and habitat
  - The impact on wildlife including any disruption of habitat and whether the project would affect any endangered or rare species of wildlife.
- d. The report shall also summarize the environmental impact on aquatic ecosystems (the relationship between the wetland and water resources and the organisms which depend on them) which shall include a summary of the impact on the following:
- The fish species including the impact on the type and number of fish species.
  - Other species of vertebrates including the impact on the type and number of species.
  - The effect on the habitat including whether said habitat will be altered or disrupted.

- e. The report shall summarize the environmental impact on the cultural environment which shall include a summary of the following:
- The effect on neighboring land and water uses.
  - The impact on economic and social conditions including the economy, lifestyles, etc., of the surrounding residents.
  - The impact on any archaeological and historical resources including whether said resources would be disrupted or altered or said sites disturbed.
  - The impact on community facilities and services including but not limited to schools, roads, police and fire services, etc.
- f. The report shall also contain a section dealing with protection of woodland areas. The preservation of woodlands, trees, similar wood vegetation, and related natural resources, shall have priority over development when there are other on-site location alternatives.

The integrity of woodland areas shall be maintained irrespective of whether such woodland areas cross property lines.

The woodland areas shall be evaluated on the basis of information supplied by the petitioner, including consideration of:

- Soil quality as it related to potential tree disruption.
- Habitat quality.
- Tree species (including diversity of tree species).
- Tree size and density, noting all landmark trees.
- Health and vigor of tree stand.
- Understory species and quality.
- Other factors such as the value of the woodland areas as a scenic asset, wind block, noise buffer, environment asset) i.e.





## SECTION 14.21 - Groundwater and Wellhead Protection Standards

### A. Intent.

The intent of the Groundwater and Wellhead Protection standards are to provide supplemental development regulations within the Township so as to permanently protect the drinking water source from long-term contamination originating from the improper use, storage or generation of hazardous substances or polluting materials. Due to the vulnerability of ground water aquifers to contamination, the need for public health protection, and the significant public investment in the municipal water supply system, these regulations contain protective measures which apply to all new development within the Township that requires Site Plan Review and Approval pursuant to Article 25 of the ordinance. These provisions are intended to protect groundwater drinking sources within the Township as they relate to individual on-site wells and the municipal water supply system of the City of Albion as it relates to the Township of Sheridan.

### B. Scope.

The provisions of the Groundwater and Wellhead Protection Standards shall apply to all nonresidential uses and facilities, including private and public facilities, which use, store or generate hazardous substances in a quantity greater than 100 kilograms per month (25 gallons or 220 pounds), and which shall be subject to site plan review under the provisions of this Zoning Ordinance. Agricultural uses that operate under a Generally Accepted Agricultural Management Practice (GAAMP) as defined by the Michigan Commission of Agriculture, are exempt from these provisions.

### C. Hazardous Substance Protection Standards.

1. The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, and street slopes.
2. Stormwater management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or water course, and shall not significantly increase flooding or the potential for environmental contamination of surface or groundwater, on-site or off site.
3. General purpose floor drains shall be connected to a public sewer system or an on-site holding tank in accordance with state, county, and local

requirements, unless a groundwater discharge permit or permit exclusion has been obtained from the Michigan Department of Environmental Quality.

4. Sites at which hazardous substances and polluting materials are stored, used, or generated shall be designed to prevent spills and discharges of hazardous substances to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.
5. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No releases to groundwater, including direct and indirect releases shall be allowed without applicable groundwater discharge permit or permit exclusion from the Michigan Department of Environmental Quality.

D. Aboveground Storage and Use Areas for Hazardous Substances and Polluting Materials.

1. Primary containment of hazardous substances shall be product-tight.
2. Secondary containment of hazardous substances shall be provided for all facilities. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance. Products held in containers of five (5) gallons or less packaged for retail use shall be exempt from this item.
3. Outdoor storage of hazardous substances shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the operator to recover any released substance, including an allowance for the expected accumulation of precipitation.
4. Out buildings, storage rooms, sheds and pole barns which are utilized as secondary containment shall not have floor drains which outlet to soil, public sewer system, groundwater, or nearby drains or natural water bodies unless a surface or groundwater discharge permit has been obtained to applicable requirements of Act 451 (Natural Resource and Environmental Protection Act 451 of 1994) as amended.
5. Areas and facilities for loading and unloading of hazardous substances as well as areas where such materials are handled, used and stored, shall be

designed and constructed to prevent unpermitted discharge or runoff to floor drains, rivers, lakes, wetlands, soils or groundwater.

E. Underground Storage Tanks for Hazardous Substances and Polluting Materials

1. Existing and new underground storage tank systems as defined under the Natural Resource and Environmental Protection Act 451 of 1994 (as amended) shall be registered with the authorized State agency in accordance with applicable requirements of the U.S. Environmental Protection Agency (E.P.A.) and the Michigan Department of Environmental Quality.
2. Installation, operation, maintenance, closure and removal of underground storage tanks shall be in accordance with applicable requirements of the Michigan Department of Natural Resources. Applicable leak detection, corrosion protection, spill prevention and overfill protection requirements shall be met. Records shall be required to be retained and available for review by State or local officials for a period of five (5) years for tank tightness and for a two (2) year period for retention and all other monitoring or test results.
3. Out-of-service and/or abandoned underground storage tanks shall be emptied and permanently closed in accordance with the requirements of the Michigan Department of Environmental Quality Remediation and Redevelopment Division.

F. Well Abandonment

Out of service wells including water wells and monitoring type wells shall be sealed and abandoned in accordance with applicable requirements of the State of Michigan and County of Calhoun.

G. Site(s) with Contaminated Soils and/or Groundwater

1. Site plans shall take into consideration the location and extent of any contaminated soils and/or groundwater on the site, and the need to protect public health and the environment.
2. Development shall be prohibited on a site of environmental contamination unless information is available indicating that the development will not exacerbate the contamination or impede its remediation. This requirement is not intended to impede the redevelopment of "brownfield" sites within the Township.

## H. Construction Standards

1. The general contractor, or if none, the property owner, shall be responsible for assuring that each contractor or subcontractor evaluates each site before construction is initiated to determine if any site conditions may pose particular problems for handling any hazardous substances. For instance, hauling hazardous substances in proximity to water bodies or wetlands may be improper.
2. Hazardous substances and polluting materials stored on the construction site during the construction process, shall be stored in a location and manner designed to prevent spills and unpermitted discharges to air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands. Any storage of quantities greater than 100 kilograms (25 gallons or 220 pounds) shall have secondary containment.
3. If the contractor will be storing or handling hazardous substances or polluting materials that require a manufacturer's material safety data sheet, the contractor shall familiarize him/herself with the sheet, and shall be familiar with procedures required to contain and clean up any releases of the hazardous substance.
4. Upon completion of construction, all hazardous substances and polluting materials, including containment systems no longer used or not needed in the operation of the facility, shall be removed from the construction site by the responsible contractor and shall be disposed of, recycled, or re-used in a proper manner as prescribed by applicable State -and Federal Regulations.

## I. Maintenance

In areas where hazardous substances or polluting materials are handled structural integrity of the building must be maintained to avoid inadvertent discharge of hazardous substances to soils and groundwater. Cracks and holes in floors, foundations and walls that could cause hazardous substances to be released, shall be repaired in areas where hazardous substances are handled or stored.

## J. Development Review Requirements

The following development review requirements are in addition to the development and informational requirements found under Section 25.05 Submission and Content of the Site Plan:

1. Specify location and size of interior and exterior area(s) and structure(s) to be used for on-site storage, loading/un loading, recycling and use or disposal of hazardous substances or polluting materials.
2. Specify location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, hazardous substance storage, collection of contaminated stormwater or wash water, and all similar uses.
3. Specify location of exterior drains, dry wells, catch basins, retention/detention areas, pumps, and other facilities designed to collect, store or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
4. Specify areas on the site that the applicant has reason to believe are contaminated, together with a report on the status of site cleanup, if applicable.
5. Submit a list of the types and quantities of hazardous substances and polluting materials which will be used, stored, or generated on-site including chemicals, hazardous substances/materials, petroleum products, hazardous wastes and other polluting materials. The list shall include common name (trade name) of materials, chemical name (components), form (liquid, pressurized liquid, solid, gas, pressurized gas, etc.), maximum quantity on hand at any one time, and type of storage containers (aboveground tank, underground tank, drums, cylinders, metal container, wooden or composition container, portable tank). Material Safety Data supplied to the Fire Department and to employees by an employer may also be submitted for site plan review purposes. The Township may ask the Township Fire Department to provide comments and recommendations with regard to the quantity and location of hazardous substances being stored on site as a part of the site plan review process.

6. Submit any State/County Environmental Permits necessary for the storage of and/or discharge of hazardous substances or polluting materials.
7. Fill out and submit the Sheridan Township State & County Environmental Permits Checklist as supplied by the Township.

K. Exemptions and Waivers

1. The transportation of any hazardous substance or polluting material shall be exempt from the provisions of this Ordinance provided the transporting motor vehicle or rail car is in continuous transit, or that it is transporting substances to or from a properly licensed solid or hazardous waste treatment, storage, or disposal facility.
2. As described above, agricultural uses that operate under a Generally Accepted Agricultural Management Practice (GAAMP) as defined by the Michigan Commission of Agriculture, are exempt from these provisions.

**SECTION 14.22 - Large Solar Energy Systems**

- A. Purpose and Intent: The purpose and intent of this Section is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Large Solar Energy Systems.
- B. Site Plan Drawing and Supporting Materials: All applications for a Large Solar Energy Systems use must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:
1. All requirements for a site plan contained in Article 25 of the Sheridan Township Zoning Ordinance.
  2. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
  3. Names of owners of each lot or parcel within Sheridan Township that is proposed to be within the Large Solar Energy System.
  4. Vicinity map showing the location of all surrounding land uses.
  5. Location and height of all proposed Solar Array(s), buildings, structures,

electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Large Solar Energy System.

6. Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
7. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within one hundred (100) feet of all exterior property lines of the Large Solar Energy System.
8. Proposed setbacks from the Solar Array(s) to all existing and proposed structures within the Large Solar Energy System.
9. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System at a minimum of five (5) foot contours.
10. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Calhoun County Road Commission approval and shall be planned so as to minimize the use of lands for that purpose.
11. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.
12. A written description of the maintenance program to be used for the Solar Array and other components of the Large Solar Energy System, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System is decommissioned.
13. Planned lightning protection measures.
14. Additional detail(s) and information as required by the Conditional Use requirements of the Sheridan Township Zoning Ordinance, or as required by the Planning Commission.

- C. Application Escrow Account: An escrow account shall be deposited with the Township by the Applicant when the Applicant applies for a Conditional Use for a Large Solar Energy System. The monetary amount deposited by the Applicant in escrow with the Township shall be the amount of \$15,000, to cover all reasonable costs and expenses associated with the Conditional Use review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the Conditional Use review process, the Township may require that the Applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the Applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the Applicant refuses to do so within thirty (30) days, the Conditional Use process shall cease unless and until the Applicant makes the required additional escrow deposit. Any applicable zoning escrow Resolutions or other Ordinances adopted by the Township must also be complied with by the Applicant. The Township shall provide a summary of all account activity to the Applicant within a timely manner upon request. Any funds remaining within the escrow after approval of the Conditional Use shall be returned in a timely manner to the Applicant.
- D. Compliance with the County Building Code and the National Electric Safety Code: Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the County Building Code (as shown by approval by the County) as a condition of any Conditional Use under this section. In the event of a conflict between the County Building Code and National Electric Safety Code (NESC), the NESC shall prevail.
- E. Certified Solar Array Components: Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers (“IEEE”), Solar Rating and Certification Corporation (“SRCC”), Electronic Testing Laboratories (“EIL”), or other similar certification organization if the similar certification organization is approved by the Township, which approval shall not be unreasonably withheld.
- F. Height: Maximum height of a Solar Array, other collection device, components or buildings of the Large Solar Energy System, excluding substation and electrical transmission equipment, shall not exceed fifteen (15) feet (as measured from the natural grade at the base of improvements) at any time or location on the property. Substation and electrical transmission equipment shall not exceed one hundred (100) feet.



- G. Lot Size: A Large Solar Energy System shall be located on one or more parcels with an aggregate area of ten (10) acres or greater.
- H. Setbacks: A minimum setback distance of fifty (50) feet from all exterior property lines of the Large Solar Energy System and existing public roads and railroad rights-of-way shall be required for all buildings and Solar Arrays, provided that a setback of seventy-five (75) feet shall be required adjacent to any residential structure.
- I. Lot Coverage: A Large Solar Energy System is exempt from maximum lot coverage limitations.
- J. Screening/Security: A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be at least six (6) feet in height with a one (1) foot extension arm consisting of a minimum of three strands of barbed-wire placed above the fencing and slanting outward as measured from the natural grade of the fencing perimeter. Electric fencing is not permitted. The perimeter of Large Solar Energy Systems shall also be screened and buffered by installed evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the Large Solar Energy System from adjacent residential structures, subject to the following requirements:
1. The Large Solar Energy Systems shall be exempt from the Greenbelt Buffer requirements of Article 14.07.
  2. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the Applicant within one (1) year, or the next appropriate planting period, whichever occurs first.
  3. All plant materials shall be installed between March 15 and November 15. If the Applicant requests a Final Certificate of Occupancy from the Township and the Applicant is unable to plant during the installation period, the Applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half

(1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.

4. Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Conditional Use may be subject to revocation.
  
- K. Signage: No advertising or non-project related graphics shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.
  
- L. Noise: No component of any Large Solar Energy System shall emit noise exceeding sixty-five (65) dBA as measured at the exterior property boundary or the existing ROW line.
  
- M. Lighting: All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.
  
- N. Distribution, Transmission and Interconnection: All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System, except in areas where technical or physical constraints make it preferable to install equipment above ground. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system.
  
- O. Abandonment and Decommissioning: Following the operational life of the project, the Applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The Applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Conditional Use. Under this plan, all structures, concrete, piping, facilities, and other project related materials above grade and any structures up to forty-two (42) inches below-grade shall be removed offsite for disposal. Any Solar Array or combination of Photovoltaic Devices that is not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the Decommissioning Plan. The ground must be restored to its original topography within three hundred sixty-five (365)

days of abandonment or decommissioning. Restoration shall also include bringing soil to its pre-development composition to ensure agricultural use upon restoration. Soil tests shall be required as a part of the Decommissioning Plan both before development and prior to decommissioning. Soil shall be brought back to pre-development state within three hundred sixty-five (365) days of abandonment or decommissioning.

1. The applicant will obtain a surety bond for reclamation in an amount to be determined by Township Engineer as a condition of site plan approval.
  2. The Engineer will be able to review the size of the farm and the number of solar panels that will be installed. The amount of the surety bond would fluctuate depending on the size of the farm. Once the Engineer sets the surety bond amount, be sure to confirm that the applicant obtains it. This may be a condition of site plan approval.
  3. The surety bond is to remain in place for the length of the leases/contracts.
- P. General Standards: The Planning Commission shall not approve any Large Solar Energy System Conditional Use unless it finds that all of the general standards for Conditional Land Uses contained in Section 15.06 of this Ordinance are met.
- Q. Approval Time Limit and Extension: Conditional Use and Site Plan approvals, under this Section, shall be valid for one (1) year beginning on the date of Township Board approval. Once commenced, should construction cease for period of twelve (12) consecutive months, the Conditional Use and Site Plan approvals shall be considered null and void. If construction begun prior to the expiration date established by Township Board approval, the Conditional Use and Site Plan approvals shall remain in force as long as construction continues toward a reasonable date of completion. However, if requested by the Applicant prior to the expiration date established by Township Board approval, the Township Board may consider an additional one-year period upon showing of good cause for the extension.
- R. Conditions and Modifications: Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commissions' meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairperson of the Planning Commission and authorized representative of the Applicant. One copy shall be

kept on file by the Township Clerk, and one copy shall be returned to the Applicant's authorized representative.

- S. Inspection: The Township shall have the right at any reasonable time, to provide a twenty-four (24) hour notice prior to the desired inspection to the Applicant to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants, with approval from the Applicant (which shall not be unreasonably withheld), to assist with inspections at the Applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the Applicant's operations staff at the Large Solar Energy Facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines.
- T. Maintenance and Repair: Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Large Solar Energy System fails to meet the requirements of this Ordinance and the Conditional Use, or that it poses a safety hazard, the Zoning Administrator, or his or her designee, shall provide notice to the Applicant of the safety hazard. If, after a reasonable cure period (not to exceed 7 days), the safety hazards are not corrected, the Applicant is entitled to a hearing before the Township Board. If the Township Board determines that the safety hazard requires that the Large Solar Energy System must be shut down, Applicant shall immediately shut down the Large Solar Energy System and not operate, start or restart the Large Solar Energy System until the issues have been resolved. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review within 48 hours of such request. Applicant shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
- U. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Large Solar Energy System shall be repaired at the Applicant's expense. In addition, the Applicant shall submit to the appropriate County agency a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries. The Applicant shall abide by all County requirements regarding the use and/or repair of County roads.
- V. Continuing Security: If any Large Solar Energy System is approved for construction under this Section, Applicant shall post decommissioning security prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work specified in the decommissioning plan as agreed upon by the Township and Applicant. The amount shall be reasonably

sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable.

1. Continuing Obligations: Failure to keep any required financial security in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of the Conditional Use and this Ordinance, and will subject the Large Solar Energy System Applicant, owner and operator to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the Conditional Use.
- W. Other Requirements: Each Large Solar Energy System shall also comply with all applicable federal, state and county requirements, in addition to other applicable Township Ordinances.

## ARTICLE 15

### CONDITIONAL USES

#### **SECTION 15.01 - 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 are 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 which on account 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.

#### **SECTION 15.02 - Authority to Grant Permits**

The Township Board with recommendations from the Township Planning Commission shall have the authority to grant conditional use permits, subject to such conditions of design and operation, safeguards and time limitations as it may determine for all conditional uses specified in the various district provisions of this Ordinance.

#### **SECTION 15.03 - Application and Fee**

Application for any conditional use permit permissible under the provisions of this Ordinance shall be made to the Township Board by filling in the official conditional use permit application form, submitting required data, exhibits and information and deposit in accordance with the requirements of Section 26.09.

#### **SECTION 15.04 - Data, Exhibits and Information Required in Applications**

An application for a conditional use permit shall contain the applicant's name and address in full, a notarized statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved, an accurate survey drawing of said property, showing the existing and proposed location of all buildings and structures thereon, and types thereof, and their uses and a statement and 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, access drives and parking lot layout.

### **SECTION 15.05 - Public Hearing**

After a preliminary review of the site plan and application for a conditional use permit, the Planning Commission shall hold a public hearing. Notice of the public hearing shall be given by one (1) publication in a newspaper of general circulation in the Township of Sheridan not less than fifteen (15) days preceding the date of said hearing. Notice of public hearing shall be sent by U.S. mail at least fifteen (15) days prior to the hearing to the owner of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to all adjoining property owners if none are within three hundred (300) feet of the premises in question. The property in question may also be conspicuously posted prior to the hearing.

### **SECTION 15.06 - Required Standards and Findings for Making Determinations**

The Township Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information and evidence showing that a use on the proposed site, lot or parcel:

- A. Will be harmonious with and in accordance with the general objectives, intent and purpose of this Ordinance and the Township Master Plan then in effect.
- B. Will 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.
- C. Will be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, 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.
- D. Will not be hazardous or disturbing to existing or future neighboring uses.
- E. Will not create excessive additional requirements at public cost for public facilities and services.
- F. The property will be a substantial improvement to property in the immediate vicinity and to the community as a whole.

- G. The property will not involve uses, activities, processes, materials, 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 15.07 - Determination and Imposition of Conditions, Limitations, Requirements and Safeguards**

The Township Planning Commission may impose such additional conditions, limitations, requirements and safeguards deemed necessary for the protection of the individual property owners in the vicinity and to insure that the intent and objectives of this Ordinance will be observed.

In recommending that a conditional use permit be granted, the Planning Commission shall recommend such conditions of use as it deems necessary and reasonable, and the reasons therefore to protect the best interest of the Township of Sheridan and the surrounding property owners and occupants to achieve the objectives of this Ordinance. These conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, 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.

If the facts presented in the case do not reasonably establish that the findings and standards set forth in this Ordinance will apply to the proposed use, the Planning Commission shall not grant a conditional use.

A written statement of findings and conclusions relative to the special land use which specifies the basis for the final decision and any conditions imposed shall be provided.

### **SECTION 15.08 - Approval, Grant or Permit**

Upon holding a public hearing and the finding that the requirements of Sections 15.03 through 15.07 of this Ordinance have been satisfactorily met by the applicant, the Planning Commission shall, within forty-five (45) days, grant or refuse such permit, and if granted, shall forward copies of this permit to the applicant, Clerk, Zoning Inspector and Planning Commission.



Approval and issuance of a conditional use permit shall signify prior approval of the application and site plan, therefore including any modifications and any conditions imposed where necessary to comply with this Ordinance. The site plan, as approved, and any statements of conditions and modifications shall become part of the conditional use permit and shall be enforceable as such.

The decision to approve or deny a request for a conditional use permit shall be retained as part of the record of action on the request and shall incorporate a statement of conclusions which specify: the basis for the decision, and changes to the originally submitted application and site plan necessary to insure compliance with the Ordinance, and any conditions imposed with approval. Once a conditional use permit is issued, all site development and use of land on the property affected shall be consistent with the approved conditional special land use permit, unless a change conforming to Ordinance requirements receives the mutual agreement of the landowner and the Planning Commission and is documented as such. The developer/owner shall agree in writing to the conditions as set forth in the public hearing as recommended by the Planning Commission, after the Planning Commission has received a written statement from the owner and/or his agent in writing, agreeing to the conditions established by the Planning Commission. The Zoning Inspector shall not issue a zoning compliance permit until she/he has received a copy of the conditional use permit approved by the Planning Commission and determined that the stipulations and conditions have been met.

#### **SECTION 15.09 - 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 and 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. No use provided for under the conditional use granted shall be initiated until all the terms and conditions of the conditional use are met.
  
- 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 terms, conditions, limitations, regulations or safeguards contained in the conditional use permit, the conditional use shall be and become null and void and the owner or occupant shall be deemed to be in violation of this Ordinance and in the terms 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.

### **SECTION 15.10 - Compliance Bond**

In issuing a conditional use permit, the Planning Commission may require a surety or cash bond to be furnished by the owner to insure compliance with the provisions of this Ordinance applicable thereto and with specific terms, conditions or limitations of the conditional use permit issued by the Township Board. The Planning Commission shall determine the amount of said bond.

### **SECTION 15.11 - Junk Yards**

In addition to and as an integral part of development, the following provisions shall apply:

- A. Junk yards shall be established and maintained in accordance with applicable State of Michigan Statutes.
- B. It is recognized by this Ordinance that the location in the open of such material included in this Ordinance's definition of "junk yard" will cause the reduction of the value of adjoining property. To that end the character of the district shall be maintained and property values conserved, an opaque fence or wall at least seven (7) feet in height, not less in height than the materials located on the lot on which the junk yard 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 access ways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this Ordinance's definition of "junk yard" be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and the opaque fence or wall located on said lot. In addition to the foregoing requirements, the Planning Commission may require a greenbelt in accordance with the provisions of ARTICLE 14.
- C. All traffic ingress or egress shall be on major streets, and there shall be not more than one (1) entrance way to the lot on which a junk yard shall be operated from each public road on which said lot abuts.

- D. On the lot on which a junk yard shall be operated, all roads, driveways, parking lots, and loading and unloading areas within any yard shall have a dust-free surface or be watered so as to limit, on adjoining lots and public roads, the nuisance caused by windborne dust.
- E. The junkyard must comply with all regulations of agencies such as, but not limited to, the Department of Natural Resources (DNR), Environmental Protection Agency (EPA) and Calhoun County Health Department. Precautionary measures should be implemented to prevent pollution of the soil, water and air.

### **SECTION 15.12 - Sanitary Landfill**

Provided that such use shall be permitted as a conditional use only in the AA - Agricultural District, shall conform to all State of Michigan and County Health Department regulations of such use; and the permit for such use shall be subject to annual renewal.

### **SECTION 15.13 - Development of Natural Resources: Grading, Removal and Filling of Land**

A conditional use permit shall not be issued for the uses specified in this Section unless complying with the site development requirements as herein specified. The Planning Commission or Township Board may impose additional conditions and safeguards when deemed necessary by that body. A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance, and grounds for the Township Board to terminate and cancel such conditional use permit.

The development of natural resources includes the use of land for the excavation, removal, filling or depositing (other than for building construction) of any type of earth material, topsoil, gravel, rock, or by-products which requires the movement of such material by truck of forty (40) cubic yards or more per day or results in changes in existing site elevation by more than three (3) feet. The above-described activity shall be permitted as a conditional use only in the AA - Agricultural, and HI - Heavy Industrial Districts. The development of natural resources as noted above, shall be subject to the following conditions:

- A. Pits and quarries shall be completely enclosed by fence four (4) or more feet in height around the periphery of the development for the safety of the general public. Said fence shall be placed no closer than ten (10) feet to the outside perimeter of the pit or quarry. Said fence shall conform to the minimum setback

requirements of the district in which it is located. A gate shall be in place within ninety (90) days of commencement of the excavation activity. A fence and gate shall be in place and inspected prior to any activity on the property. Buffer zones shall be established with a minimum of one hundred fifty (150) feet to residentially zoned or developed property and one hundred (100) feet from other adjoining properties. No digging or excavating shall take place within this zone.

- B. No slope shall exceed an angle with the horizontal of more than thirty (30) degrees for the first twelve (12) feet along the horizontal, after which the slope shall not exceed an angle with the horizontal of more than forty-five (45) degrees. Such removal, processing, or storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot such that earth materials are carried outside of the lines of said lot. Such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property. In the event that such removal, deposition, processing, or storage shall cease to be conducted, it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.
- C. All areas so used shall be rehabilitated progressively as they are worked out or abandoned to a condition entirely free from hazard such as obstructions to traffic visibility and creation of water bodies other than specified herein. The topsoil overburden shall be stockpiled or reused blending with the surrounding natural grounds. All slopes and banks shall be reasonably graded to prevent excessive erosion to a six (6) inch drop in four (4) feet horizon and restored with vegetation. Bodies of water shall be sloped for public use at a gradual incline angle reaching a maximum of six (6) feet, depth at a distance of one hundred (100) feet from shore and then may continue at a natural repose; for private use the incline angle shall be one (1) foot drop for every six (6) feet from shore for at least thirty-six (36) feet from shore and then continue at a natural repose.
- D. The applicant shall establish routes of ingress and egress for truck movement in order to minimize the wear on public roads and to prevent hazards to traffic. There shall not be more than one (1) entranceway from a public road to said lot for each six hundred sixty (660) feet of front lot line. On said lot, all roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet of any lot line shall be a dust-free surface so as to limit, on adjoining lots and public roads, the nuisance caused by wind-borne dust. Said plans shall be subject to periodic review and modification by the Planning Commission. In addition to Planning Commission review, the Calhoun County Road Commission shall approve all truck routes. The truck route shall be indicated on the required site plan.

- E. The removal, depositing, processing, transportation, and activities relating to storage or filling activities, such as stockpiling, shall be permitted only between the hours of 8:00 A.M. to 5:00 P.M., Monday through Saturday. The Planning Commission during the site plan review process upon the applicant's showing of good cause may extend the hours of operation. In all cases, operation after sunset is discouraged.
- F. Any odors, smoke, fumes, or dust generated on said lot by any digging, excavating, processing, stockpiling, depositing or transportation operation and borne or able to be borne by the wind shall be confined within the lines of said lots as much as reasonably possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
- G. Such removal, depositing, processing or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface watercourse or body of water outside the lines of the lot on which such use shall be located. Activities permitted by this section shall not impede the natural drainage course of the parcel and shall not impede the natural flow of storm water runoff. Existing drainage courses shall be clearly identified on the required site plan. The Development of Natural Resources: Grading, Removal, and Filling of Land, shall require all applicable permits from the State of Michigan regarding natural resource management. These permits include but are not limited to: Goemaere-Anderson Wetland Protection Act (PA-203 of 1979), Inland Lakes and Streams Act (PA 345 of 1966), Soil Erosion and Sedimentation Control Act (PA 347 of 1972).
- H. All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any residential zoning district, but in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential, subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line.
- I. The property owner(s) shall file with the Township Board a compliance bond and a liability bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The Township Board shall fix the amount of the required bond, which shall reflect the anticipated cost of restoration. The bond shall be released upon written certification of the Township Building Inspector that the restoration is complete and in compliance with the restoration plan.

- J. A mining reclamation plan and hydro-geological study shall be required. Information on equipment decibel levels, off-site impacts and lake creating methods such as dry mined, cofferdam, dredge or vacuum shall be required. An environmental impact assessment shall also be required per Section 14.20 of the Zoning Ordinance.
- K. The permit or each renewal thereof shall be for a period of not more than five (5) years and shall be renewable only upon reapplication, a determination by the Planning Commission, and a filing of a compliance bond as required in 15.13.I; said determination to be made in accordance with the requirements of this Ordinance for the issuance of a conditional use permit.
- L. The location of these sites shall abut a public road designated as a non-freeway principal arterial, minor arterial, major collector, or minor collector as designated in Map 4 "Existing Circulation and Utilities" of the Township Master Plan. In no case shall such site be permitted where primary access is a local street or road.
- M. Where the development of natural resources: grading, removal, and filling of land, causes a site to be unsuitable for onsite septic systems, those activities shall be further restricted to those locations where municipal services, i.e. city sewer and city water, are available and/or planned for.
- N. Only equipment utilized in the operation that is owned, hired or leased by the applicant (operator) shall be stored overnight or for longer periods anywhere on the premises. Storage of any other equipment on the premises shall be prohibited.
- O. The applicant shall file a plan for restoring the site to a safe, attractive and usable condition at the termination of the development of natural resources. The plan shall be filed at the time of application for the conditional use permit. The application will not be accepted until Sheridan Township has determined that all required information and fees have been supplied. A professional engineer shall prepare the restoration plan. The Planning Commission shall review the plan and make recommendation thereon in its report. All restoration operations shall be performed in accordance with the restoration plan approved by the Sheridan Township Planning Commission. The restoration plan shall be completed within one (1) year of the termination of the development of natural resources. The restoration plan shall provide the following information:
  - 1. Boundary lines of the property and dimensions and bearings of the property lines correlated with the legal description.

2. Location and extent of all natural features to be retained during the development of natural resources.
  3. Proposed completed topography at contour intervals if not more than two (2) feet.
  4. A schedule integrating the area of progressive rehabilitation with the final restoration plan.
  5. The estimated date of completion of the requirements of the restoration plan.
  6. Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored areas shall be required. A minimum of twenty-four (24) inches of topsoil a minimum of forty-eight (48) inches of sub-soil shall be placed over all areas disturbed by the operation. This ensures adequate depth for agricultural use of the property after grading or filling operations cease on site.
  7. A description of the methods and materials to be utilized in restoring the site.
  8. Sketch plan of the proposed use or uses of the restored site.
  9. Names, addresses and phone numbers of applicant, property owner, operator and professional engineer who prepared the restoration plan.
- P. A site plan meeting the requirements of Article 25 shall be submitted.
- Q. When grading, removal and filling of land ceases for a period of one hundred eighty (180) days or more, no additional grading, removal, and filling shall be permitted without resubmission of a conditional land use permit which meets all requirements of this section. For the purpose of monitoring site activities, if grading, removal and filling of land permitted under this ordinance is to stop for thirty (30) or more consecutive days, the applicant must submit a letter by registered mail to the Township with an explanation of the stop of work.
- R. In the case of filling operations, the Township Board shall have the authority to require, as a condition of issuance of a conditional use permit, that the owner(s) of the property deposit with the Township a specific sum determined by the Township Board to be adequate to cover the cost of periodic testing of the fill material on the site by the Township or the Township's designee. The Township shall have authority to conduct up to six (6) such tests per year and the owner(s),

as a condition of such conditional use permit approval, shall be required to cooperate with the township in the taking of such tests.

- S. Sheridan Township, through the granting of a Conditional Use Permit for fill, is not in anyway responsible for environmental or health hazards that might develop due to this fill.
- T. With regard to filling operations, in addition to the environmental assessment required by this section, the testing of drinking wells on all adjacent properties on an annual basis will be required for the life of the project plus five (5) years. The first (baseline) will occur upon approval of the special land use.
- U. With regard to filling operations, if during the course of soil testing, fill is found to contain material other than the permitted fill, all such noncompliant material shall be removed at the owner's expense.
- V. With regard to filling operations, the applicant shall record as an attachment to the deed of the subject parcel, any future divisions from the original parcel (including subdivision or site condominium parcels), the special land use application, Township Permit, and all conditions of approval to the Calhoun County Register of Deeds.
- W. Refer to the Township Schedules of current fees for permits, testing, and bonding.

#### **Section 15.14 - Camps and Lodges**

- A. No commercial activity shall be conducted on the premises, except as an accessory use.
- B. Such use shall be located on a site of not less than one (1) acre in size.
- C. Buildings shall not exceed thirty (30) feet in height and shall be located no nearer to any property line than forty (40) feet. Yards may be utilized for parking provided that such parking shall not be closer than ten (10) feet to any side or rear property line, nor twenty (20) feet to any street or highway right-of-way line.
- D. Parking areas located adjacent to any residential or institutional use shall be screened from such use by an approved fence, or masonry wall of not less than four (4) nor greater than eight (8) feet in height. In lieu of a separate fence or masonry wall, an evergreen hedge that effectively screens the parking area from



adjacent properties may be planted and maintained at a height of not less than four (4) feet.

### **SECTION 15.15 - Agri-Business**

- A. Provided that such use is permitted as a conditional use only in the AA - Agricultural District.
- B. An agri-business is 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 agric-business may include, but is not limited to:
  - 1. Farm machinery, sales, service, rental and repair.
  - 2. Grain elevators for storage, drying and sales.
  - 3. Bulk feed and fertilizer outlets and distribution centers.
  - 4. Seed dealership outlets and distribution centers.
  - 5. Grain and livestock trucking and cartage facilities.
  - 6. Auctions for livestock.
  - 7. Dairy products production and procession operations.

### **SECTION 15.16 - Essential Service Structures**

In every zoning district, except industrial, the following essential service buildings shall be required to have a conditional use permit prior to their construction: high voltage transmission towers, transformer substation, pumping stations, communications relay stations, gas and steam regulating valves and stations and buildings of similar function.

No building shall be used for residential purposes.

An opaque fence or greenbelt may be required by the Township Board when deemed necessary for the protection and preservation of the character of the surrounding neighborhood and adjacent land.

**SECTION 15.17 - Specific Conditions and Requirements - Residential Cluster Subdivision (RCS)**

A. Required standard 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 RCS site 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, 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 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 of development.
4. The common open space, any other common properties, individual properties and all other elements of the RCS 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 may become an appropriate consideration of the Township Planning Commission.

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 RCS 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 (or for the duration of the RCS) 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:

The Board upon receipt of the Planning Commission's report may give tentative Board approval, 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 of the Board, the applicant shall then execute an agreement to construct the RCS 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 of the applicant.

- E. So long as the conditional use permit issued hereunder is validly in force and effect, the RCS shall be exempt from the provisions of this Ordinance relating to size of lots, depth of yards, distance between buildings and building height not specifically referred to in the agreement provided above.

**SECTION 15.18 - Specific Conditions and Requirements - Planned Neighborhood Shopping Centers**

A. Site Development:

1. Such development shall occupy a site of not less than three (3) acres with a minimum street frontage of three hundred (300) feet.
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 14.07.

- C. Lighting: All lighting shall be accomplished in a manner such that no illumination sources cause 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 (2) driveways shall be located as far from street intersections as practicable, but in no case less than fifty (50) feet.
- E. Parking and Circulation: There shall be provided no less than four (4) square feet of parking and circulation space for every one (1) square foot of floor area within the center. 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 15.19 - Specific Conditions and Requirements - Planned Community and Regional Shopping Centers**

- A. Site Development:
  - 1. Such development shall occupy a site of not less than ten (10) acres with a minimum street frontage of one thousand (1,000) feet.
  - 2. No building shall be located nearer to any property line of the center than a distance equal to twice the height of said building, provided that no building shall be located nearer to any street or highway right-of-way line than fifty (50) feet.
- B. Screening and Transition: When such development is located in or adjacent to a residential district, or when located adjacent to a hospital, church or other public institution, or open space, a landscaped strip of land not less than two hundred (200) feet in width shall be provided and maintained on all sides of the site. This strip shall serve as a transition between the shopping center and adjacent properties, and no part of such strip shall be utilized for any functions of the shopping center, and that no more than one hundred (100) feet of said strip width on the interior side of the shopping center property may be used for parking. Such strip shall be occupied by plant materials and/or approved fences or-masonry walls not exceeding six (6) feet in height. The plans and specifications for the development include the proposed design of said transition strip.

- C. Signs: All signs shall conform to the provisions of ARTICLE 21 with the addition of one (1) sign located on each street frontage and not exceeding one hundred (100) square feet in area identifying the shopping center. Such sign may be illuminated but not be an intermittent source.
- D. Vehicular Approach: Driveways and approaches shall be so designed and located as to create minimum interference with traffic on the surrounding public streets. No more than two (2) driveways each not-to-exceed thirty (30) feet in width at the property line shall be permitted on each street frontage of the property. Such access shall be provided from major streets and highways, which are fully capable of accommodating the maximum traffic on such streets or highways. Driveways shall be located as far from street intersections as practicable, but in no case less than one hundred (100) feet.
- E. Parking and Circulation:
  - 1. There shall be provided no less than four (4) square feet of parking and circulation space for every one (1) square foot of floor area within the center.
  - 2. Any individual parking space in the center shall be accessible by clearly demarcated pedestrian walks from the shopping area, which shall not intersect a vehicular way more than once.
  - 3. Automobile and truck traffic shall be separate from one another to the fullest possible extent.
  - 4. On-site circulation facilities shall be designed so that there shall be not backing up of traffic into public streets.
  - 5. All areas accessible to vehicles shall be paved and maintained so as to provide a smooth, dustless and well-drained service.
  - 6. Parking areas shall be lighted for those hours of darkness during which establishments within the center are open for business.

**SECTION 15.20 - Specific Conditions and Requirements - Planned Drive-in Plaza**

A. Site Development:

- 1. Such development shall occupy a site of not less than three (3) acres.

2. Minimum lot width in a planned drive-in plaza shall be three hundred (300) feet.
3. Open Space Ratio - The ratio of building coverage to open space shall be one (1) to three (3) and shall be determined according to the following formula: For each square foot of building coverage, three (3) square feet of open space land shall be provided within the development. Open unloading space shall not include parking spaces, aisles, entrance drives or loading and unloading spaces. Open space shall include, but not be limited to pedestrian plazas, tot lots, pedestrian walks which do not intersect with vehicular drives and areas planted with natural vegetation.

A central open space of not less than one (1) acre in area shall be accessible from each establishment within the development and designed and located so that no pedestrian-vehicular crossings exist.

Hard surfacing of the open space area shall not exceed sixty (60%) percent within the development. A minimum amount of open space not less than forty (40%) percent shall be planted and maintained with permanent plant materials. The Township Board, upon the recommendation of the Planning Commission, may require that additional landscaping be provided in the development.

4. Setback - Every building erected within the development shall have a minimum setback from the street right-of-way of seventy (70) feet and a minimum setback from side and rear lot lines of sixty (60) feet. Exceptions to the sixty (60) foot side and rear yard setback requirement may be granted when unique site and design and characteristics exist.

No building shall be located nearer than thirty (30) feet from any point of an adjacent building within the plaza.

5. Vehicular Approach.
  - a. Driveways and approaches to the property shall be so designed and located as to create minimum interference with traffic on the surrounding public streets.
  - b. No more than two (2) driveways each not-to-exceed thirty (30) feet in width at the property line shall be permitted on each street frontage of the property. Such driveways shall be located as far from street intersections as practicable, but in no case less than fifty (50) feet.

- B. Lighting: All lighting shall be accomplished in a manner such that no illumination source causes a nuisance to adjacent properties.
- C. Signs: The provisions specified in ARTICLE 21 shall apply.

**SECTION 15.21 - 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 increased by no less than five (5) feet for each additional story in height.
  - 2. The horizontal distance between ends of buildings shall be no less than twenty-five (25) feet. Where the end of one building is opposite the face or rear of another building, the minimum horizontal distance between them shall be increased by no less than five (5) feet for each additional story in height 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 thirty (30) feet.
  - 4. Courts completely enclosed by building walls shall not be permitted; provided that screens or fences not exceeding eight (8) 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 (3) sides shall not be greater than one and one-half (1-1/2) times the width of such court.

6. No building shall be closer than twenty-five (25) feet to any street or private access drive, neither shall any entrance to a dwelling unit be closer than twenty-five (25) feet to any street, private access road, driveway or parking area.
7. Required Off-Street Parking - as required in ARTICLE 22.
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 15.22 - Kennels**

All kennels shall be operated according to Public Act 330 of the Public Acts of the State of Michigan Department of Agriculture of 1919, as amended, and to the Calhoun County (State of Michigan) Regulation 129.

In addition, the following shall apply:

Any lot or premise on which three (3) or more dogs are either permanently or temporarily kept, boarded, raised, bred or trained for fee or financial gain, whether in special buildings or runways or not, are subject to the following standards and regulations:

- A. Minimum lot size shall not be less than one (1) acre.
- B. No animal shelter or run shall be located closer than one hundred fifty (150) feet from any lot line adjoining an existing nonfarm residence or from any lot line in a residential district.
- C. Buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located in any required front, rear or side yard setback area.
- D. Such facilities shall be under the jurisdiction of the Township Planning Commission, and subject to other conditions and requirements of said body deemed necessary to insure against the occurrence of any possible nuisance such as, but not limited to, fencing and soundproofing.
- E. Runs shall be escape proof to meet State law.



- F. Sanitary conditions must meet the State of Michigan Department of Agriculture and Calhoun County (State of Michigan) Health Department rules and regulations.

**SECTION 15.23 - Suggested Inventory List for a Country Market (Generic)**

- A. Non-Alcoholic Drinks: Pop, juices (canned, bottled, frozen), brewed coffee (by the cup or thermos). Items possible under this category, but not limited or required by the list, include powdered drink mixes (i.e., Kool-Ade).
- B. Alcoholic Drinks: Contingent on State of Michigan regulations.
- C. Convenience Foods: Potato chips, corn and taco chips, pretzels, snack cakes, popcorn and cookies.
- D. Pastries and Breads: Prepackaged commercial type doughnuts, breakfast rolls, bread and sandwich buns.
- E. Dairy Products: Milk, yogurt, cottage cheese, cheese, cheese dips, cream (light, whipping and sour) and ice cream.
- F. Light Groceries: Coffee, tea, condiments, microwavable foods, lunchmeats, canned meats and hot dogs.
- G. Tobacco products.
- H. Homemade Bakery Items: Must comply with health department.
- I. Household Items: Paper products, picnic supplies, health supplies (toothpaste, soap, first-aid items, aspirin, cough drops), flashlight batteries, insect repellents, charcoal and starter.
- J. Camping Supplies: Rope, kerosene, flashlight, matches, candles, lighters and lighter fluid.
- K. Sporting Goods: Fishing equipment, tackle, bait (live or artificial), bow and arrows, practice targets. Hunting rifles, shotguns and ammunition for the rifles and shotguns are allowed. Excluded are any handguns.
- L. Craft items and supplies.
- M. Antiques: Handcrafted items and antiques could be commissioned sales items.

N. Produce.

## **SECTION 15.24 – Bed and Breakfast**

A. Application Requirements: Applicant for a conditional use permit to operate a bed and breakfast shall submit the following materials for review by the Building Inspector:

1. A floor plan of the single-family dwelling unit indicating the size and location of all rooms to be used for the bed and breakfast illustrating that the proposed operation will comply with the Township Zoning Ordinance as amended.
2. A site plan indicating the size of the lot, the size and location of all structures on the lot, and the size and location for the parking lot.

B. Building Requirements:

1. No premises shall be used for a bed and breakfast operation unless the main structure, excluding garage and basement, has two thousand (2,000) square feet of floor space, with a maximum of fifteen (15%) percent of that space designated for use as bed and breakfast operation unless there are at least two (2) exits to the outdoors from such premises.
2. A room utilized for sleeping shall have a minimum size of one hundred twenty (120) square feet for two (2) occupants with an additional thirty (30) square feet for each additional occupant, to a maximum of four (4) occupants per room. Lavatories and bathing facilities shall be available to all persons using any bed and breakfast operation.
3. Smoke Detectors: Each sleeping room used for the bed and breakfast operation shall have a separate smoke detector alarm, installed in accordance with the applicable building codes.

C. Requirements for Operation: The dwelling unit in which the bed and breakfast is located shall be the principal residence of the operator, and said operator shall live on the premises when the bed and breakfast operation is active. In addition, the bed and breakfast operation shall meet the following requirements:

1. Limits in a Single-Family Zone - A bed and breakfast operation located in any single-family zoning district as defined and as geographically delineated in the Sheridan Township Zoning Ordinance, shall be limited to three (3) sleeping rooms for use in the bed and breakfast operation.
2. Guest Register - Every operator shall keep a list of the names of all persons staying at the bed and breakfast operation. The guest register shall be available for inspection by Township officials during normal operational hours upon request.
3. Length of Stay - The maximum stay for any occupant of the bed and breakfast sleeping rooms shall be fourteen (14) days.
4. Public Nuisance - Bed and breakfast operations shall not be permitted whenever the operation endangers, offends or interferes with the safety or rights of others so as to constitute a public nuisance.
5. Limits to Proximity - No license shall be issued for a bed and breakfast operation at a dwelling unit located within five hundred (500) feet of an existing licensed bed and breakfast operation.
6. Parking Requirements - Two (2) parking spaces for each three (3) beds (See ARTICLE 22).
7. Signs - (See ARTICLE 21).

#### **SECTION 15.25 - Large Solar Energy Systems**

- A. Purpose and Intent: The purpose and intent of this Section is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Large Solar Energy Systems.
- B. Site Plan Drawing and Supporting Materials: All applications for a Large Solar Energy Systems use must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:
  1. All requirements for a site plan contained in Article 25 of the Sheridan Township Zoning Ordinance.
  2. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.

3. Names of owners of each lot or parcel within Sheridan Township that is proposed to be within the Large Solar Energy System.
4. Vicinity map showing the location of all surrounding land uses.
5. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Large Solar Energy System.
6. Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
7. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within one hundred (100) feet of all exterior property lines of the Large Solar Energy System.
8. Proposed setbacks from the Solar Array(s) to all existing and proposed structures within the Large Solar Energy System.
9. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System at a minimum of five (5) foot contours.
10. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Calhoun County Road Commission approval and shall be planned so as to minimize the use of lands for that purpose.
11. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.
12. A written description of the maintenance program to be used for the Solar Array and other components of the Large Solar Energy System, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System is decommissioned.

13. Planned lightning protection measures.
  14. Additional detail(s) and information as required by the Conditional Use requirements of the Sheridan Township Zoning Ordinance, or as required by the Planning Commission.
- C. Application Escrow Account: An escrow account shall be deposited with the Township by the Applicant when the Applicant applies for a Conditional Use for a Large Solar Energy System. The monetary amount deposited by the Applicant in escrow with the Township shall be the amount of \$15,000, to cover all reasonable costs and expenses associated with the Conditional Use review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the Conditional Use review process, the Township may require that the Applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the Applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the Applicant refuses to do so within thirty (30) days, the Conditional Use process shall cease unless and until the Applicant makes the required additional escrow deposit. Any applicable zoning escrow Resolutions or other Ordinances adopted by the Township must also be complied with by the Applicant. The Township shall provide a summary of all account activity to the Applicant within a timely manner upon request. Any funds remaining within the escrow after approval of the Conditional Use shall be returned in a timely manner to the Applicant.
- D. Compliance with the County Building Code and the National Electric Safety Code: Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the County Building Code (as shown by approval by the County) as a condition of any Conditional Use under this section. In the event of a conflict between the County Building Code and National Electric Safety Code (NESC), the NESC shall prevail.
- E. Certified Solar Array Components: Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers (“IEEE”), Solar Rating and Certification Corporation (“SRCC”), Electronic Testing Laboratories (“EIL”), or other similar certification organization if the similar certification organization is approved by the Township, which approval shall not be unreasonably withheld.

- F. Height: Maximum height of a Solar Array, other collection device, components or buildings of the Large Solar Energy System, excluding substation and electrical transmission equipment, shall not exceed fifteen (15) feet (as measured from the natural grade at the base of improvements) at any time or location on the property. Substation and electrical transmission equipment shall not exceed one hundred (100) feet.
- G. Lot Size: A Large Solar Energy System shall be located on one or more parcels with an aggregate area of ten (10) acres or greater.
- H. Setbacks: A minimum setback distance of fifty (50) feet from all exterior property lines of the Large Solar Energy System and existing public roads and railroad rights-of-way shall be required for all buildings and Solar Arrays, provided that a setback of seventy-five (75) feet shall be required adjacent to any residential structure.
- I. Lot Coverage: A Large Solar Energy System is exempt from maximum lot coverage limitations.
- J. Screening/Security: A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be at least six (6) feet in height with a one (1) foot extension arm consisting of a minimum of three strands of barbed-wire placed above the fencing and slanting outward as measured from the natural grade of the fencing perimeter. Electric fencing is not permitted. The perimeter of Large Solar Energy Systems shall also be screened and buffered by installed evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the Large Solar Energy System from adjacent residential structures, subject to the following requirements:
1. The Large Solar Energy Systems shall be exempt from the Greenbelt Buffer requirements of Article 14.07.
  2. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the Applicant within one (1) year, or the next appropriate planting period, whichever occurs first.

3. All plant materials shall be installed between March 15 and November 15. If the Applicant requests a Final Certificate of Occupancy from the Township and the Applicant is unable to plant during the installation period, the Applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
  4. Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Conditional Use may be subject to revocation.
- K. Signage: No advertising or non-project related graphics shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.
- L. Noise: No component of any Large Solar Energy System shall emit noise exceeding sixty-five (65) dBA as measured at the exterior property boundary or the existing ROW line.
- M. Lighting: All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.
- N. Distribution, Transmission and Interconnection: All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System, except in areas where technical or physical constraints make it preferable to install equipment above ground. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system.
- O. Abandonment and Decommissioning: Following the operational life of the project, the Applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The Applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Conditional Use. Under this plan, all structures,

concrete, piping, facilities, and other project related materials above grade and any structures up to forty-two (42) inches below-grade shall be removed offsite for disposal. Any Solar Array or combination of Photovoltaic Devices that is not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the Decommissioning Plan. The ground must be restored to its original topography within three hundred sixty-five (365) days of abandonment or decommissioning. Restoration shall also include bringing soil to its pre-development composition to ensure agricultural use upon restoration. Soil tests shall be required as a part of the Decommissioning Plan both before development and prior to decommissioning. Soil shall be brought back to pre-development state within three hundred sixty-five (365) days of abandonment or decommissioning.

1. The applicant will obtain a surety bond for reclamation in an amount to be determined by Township Engineer as a condition of site plan approval.
2. The Engineer will be able to review the size of the farm and the number of solar panels that will be installed. The amount of the surety bond would fluctuate depending on the size of the farm. Once the Engineer sets the surety bond amount, be sure to confirm that the applicant obtains it. This may be a condition of site plan approval.
3. The surety bond is to remain in place for the length of the leases/contracts.

P. General Standards: The Planning Commission shall not approve any Large Solar Energy System Conditional Use unless it finds that all of the general standards for Conditional Land Uses contained in Section 15.06 of this Ordinance are met.

Q. Approval Time Limit and Extension: Conditional Use and Site Plan approvals, under this Section, shall be valid for one (1) year beginning on the date of Township Board approval. Once commenced, should construction cease for period of twelve (12) consecutive months, the Conditional Use and Site Plan approvals shall be considered null and void. If construction begun prior to the expiration date established by Township Board approval, the Conditional Use and Site Plan approvals shall remain in force as long as construction continues toward a reasonable date of completion. However, if requested by the Applicant prior to the expiration date established by Township Board approval, the Township Board may consider an additional one-year period upon showing of good cause for the extension.

R. Conditions and Modifications: Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commissions'



meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairperson of the Planning Commission and authorized representative of the Applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the Applicant's authorized representative.

- S. Inspection: The Township shall have the right at any reasonable time, to provide a twenty-four (24) hour notice prior to the desired inspection to the Applicant to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants, with approval from the Applicant (which shall not be unreasonably withheld), to assist with inspections at the Applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the Applicant's operations staff at the Large Solar Energy Facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines.
- T. Maintenance and Repair: Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Large Solar Energy System fails to meet the requirements of this Ordinance and the Conditional Use, or that it poses a safety hazard, the Zoning Administrator, or his or her designee, shall provide notice to the Applicant of the safety hazard. If, after a reasonable cure period (not to exceed 7 days), the safety hazards are not corrected, the Applicant is entitled to a hearing before the Township Board. If the Township Board determines that the safety hazard requires that the Large Solar Energy System must be shut down, Applicant shall immediately shut down the Large Solar Energy System and not operate, start or restart the Large Solar Energy System until the issues have been resolved. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review within 48 hours of such request. Applicant shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
- U. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Large Solar Energy System shall be repaired at the Applicant's expense. In addition, the Applicant shall submit to the appropriate County agency a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries. The Applicant shall abide by all County requirements regarding the use and/or repair of County roads.

- V. Continuing Security: If any Large Solar Energy System is approved for construction under this Section, Applicant shall post decommissioning security prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work specified in the decommissioning plan as agreed upon by the Township and Applicant. The amount shall be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable.
1. Continuing Obligations: Failure to keep any required financial security in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of the Conditional Use and this Ordinance, and will subject the Large Solar Energy System Applicant, owner and operator to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the Conditional Use.
- W. Other Requirements: Each Large Solar Energy System shall also comply with all applicable federal, state and county requirements, in addition to other applicable Township Ordinances.

## ARTICLE 16

### RIPARIAN LOT USE REGULATIONS

#### SECTION 16.01 - Intent

It is the intent of this Section to promote the integrity of the lakes within the Township while preserving the quality of recreational use of the inland waters; to protect the quality of the lakes by discouraging excessive use; to promote the ecological balance of the waters by limiting incompatible land use of the wetlands associated with the lakes; and to maintain the natural beauty of the lakes by minimizing man-made adjustments to the established shorelines. Nothing in this Ordinance shall be construed to limit access to lakes or waterways by the general public by way of a public park or public access site provided or maintained by any unit of state, county or local government.

#### SECTION 16.02 - Regulations

In any zoning district where a parcel of land is contiguous to a lake or pond, either natural or man made, such parcel of land may be used as access property or as common open space held in common by a subdivision, association or any similar agency; or held in common by virtue of the terms of a plat of record; or provided for common use under deed restrictions of record; or owned by two (2) or more dwelling units located away from the waterfront only if the following conditions are met:

- A. That said parcel of land shall contain at least seventy (70) lineal feet of water frontage and a lot depth of at least one hundred feet (100) for each dwelling unit or each single-family unit to which such privileges are extended or dedicated. Frontage shall be measured by a straight line, which intersects each side lot line at the water's edge.
- B. That in no event shall water frontage of such parcel of land consist of a swamp, marsh, or bog as shown on the most recent U.S. Geological Survey Maps, or the Michigan Department of Natural Resources MIRIS Map, or have otherwise been determined to be wetland by the Michigan DNR; and that in no event shall a swamp, marsh, or bog be altered by the addition of earth or fill material or by the drainage of water for the purpose of increasing the water frontage required by this regulation.
- C. That in no event shall such parcel of land abut a man-made canal or channel, and no canal or channel shall be excavated for the purpose of increasing the water frontage required by this regulation.

- D. That access property, as provided for in and meeting the conditions of this Ordinance, regardless of total area, shall not be used as a residential lot for the purpose of constructing a dwelling and/or accessory structure(s), or for any commercial or business use.

### **SECTION 16.03 - Definitions**

“Access Property” shall mean a property, parcel, or lot abutting a lake or pond either natural or man-made, and used or intended to be used, for providing access to a lake or pond by pedestrian or vehicular traffic to and from offshore land regardless of whether said access to the water is gained by easement, common fee ownership, single fee ownership, lease, license, gift, business invitation or any other form or dedication or conveyance.

## ARTICLE 17

### CONDOMINIUM REGULATIONS

#### Section 17.01 - Purpose

This ARTICLE is intended to provide for condominium projects within the Township, establish comparable regulations to guide development of such projects in a manner similar to comparable development allowed within the Zoning Ordinance, and to establish development standards and required information to assure adequate compliance within the purposes of this Ordinance including:

- A. Orderly growth and harmonious development of the community as planned for in the Township Master Plan, and
- B. To secure adequate traffic circulation and safety through coordinated street systems with relation to the county and state paved road system, future development, public services and facilities, and
- C. To provide for development which can be timed in a manner consistent with planned or needed public improvements so as not to create an undue inconvenience, hazard or financial burden for present residents of the Township, and
- D. To secure adequate provisions for water supply, storm drainage, sanitary sewage disposal and other public health and safety needs, including safe and coordinated interconnection with existing and planned paved roadways, and to provide for the achievement of these purposes, and
- E. To provide for an environmental assessment and when necessary to evaluate the impact of proposed developments to assure minimum impact of the natural environment including but not limited to the wetlands, surface waters, groundwater, flora and fauna of the community.

#### SECTION 17.02 - Definitions

In addition to the terms defined in the Township Zoning Ordinance and Subdivision Ordinance, the following terms shall have the meanings as shown in this Section. Terms defined in the Condominium Act, in addition to the terms defined herein, shall have the meanings as defined therein:

- A. **Building Site:** The condominium unit including the building envelope and contiguous limited common area or element. The functional equivalent of a lot when lot is used as a reference in the Zoning Ordinance the regulation shall also refer to building site.
- B. **Condominium Act:** Public Act 59 of the 1978 Acts of the Michigan Legislature, as amended (Section 559.101 et. seq. of the Michigan Compiled Laws)
- C. **Condominium Plan:** The drawings and information prepared in compliance with the Zoning Ordinance shall display the proposed site layout, survey and utility plans, floor plans, floodplain plans and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium plan shall show the size, location, area and horizontal boundaries of each unit as well as vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium plan shall include the nature, location and approximate size of common elements.
- D. **Condominium Project:** A plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act.
- E. **Condominium Subdivision Plan:** Shall mean the same as Condominium Plan.
- F. **Condominium Unit:** That portion of the condominium project designed and intended for separate ownership and use as described in the master deed and shall be equivalent to the term "lot" as used in Township Ordinances.

### **SECTION 17.03 - Required Information**

Concurrently with notice required to be given the Township pursuant to Section 71 of Public Act 59 of 1978, as amended, (MCL 559.171) a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:

- A. The name address and telephone number of:
  - 1. All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example: fee owner, optionee or land contract vendee).

2. All engineers, attorneys, architects or registered land surveyors associated with the project.
  3. The developer or proprietor of the condominium project.
- B. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
  - C. The acreage content of the land on which the condominium project will be developed.
  - D. The purpose of the project (for example: residential, commercial, industrial, etc.).
  - E. Approximate number of condominium units to be developed on the subject parcel.
  - F. Whether or not a community water system is contemplated.
  - G. Whether or not a community septic system is contemplated.

#### **SECTION 17.04 - Current Information**

All information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a Certificate of Occupancy has been issued.

#### **SECTION 17.05 - Site Plans - New Projects - Master Deed, and Engineering and Inspections**

Prior to recording of the Master Deed required by Section 72 of the Condominium Act, as amended (MCL 559.108), the condominium project shall undergo site plan review and approval. In addition, the Township shall require appropriate engineering plans and inspection prior to the issuance of any Certificate of Occupancy. Prior to expansion or conversion of a condominium project to additional land, the new phase of the project shall undergo site plan review and approval.

#### **SECTION 17.06 - Master Deed, Restrictive Covenants and "As-Built" Survey to be Furnished**

The condominium project developer or proprietor shall furnish the Zoning Administrator with the following: One (1) copy of the recorded Master Deed, one (1)

copy of all restrictive covenants and two (2) copies of an “as-built survey”. The “as-built survey” shall be reviewed by the Township Engineer for engineering aspects and the Township Planner for compliance with Township Ordinances. Fees for these reviews shall be established by resolution of the Township Board in addition to those otherwise required by Township Ordinances.

#### **SECTION 17.07 - Monuments Required - Site Condominium Projects**

All condominium projects, which consist in whole or in part of condominium units, which are building sites, mobile home sites, or recreational sites, shall be marked with monuments as provided in this Section.

- A. Monuments shall be located in the ground and made according to the following requirement, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
- B. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
- C. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at all intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in all side lines of streets and alleys; at all angles of an intermediate traverse line and at intersections with elements and all common elements.
- D. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
- E. If a point required to be monumented is on bedrock out cropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
- F. All required monuments shall be placed flush with the ground where practicable.



- G. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.
- H. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit running to the Township, whichever the proprietor selects, in an amount set by resolution of the Township Board. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

#### **SECTION 17.08 - Monuments Required - All Condominium Projects**

All condominium projects shall be marked at their boundaries with monuments meeting the requirements of Section 17.07, C. above.

#### **SECTION 17.09 - Compliance with Federal, State and Local Law**

All condominium projects shall comply with Federal and State statutes and local ordinances.

#### **SECTION 17.10 - State and County Approval**

The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the fresh water system for the proposed project and with regard to the wastewater disposal system for the proposed project.

#### **SECTION 17.11 - Temporary Occupancy**

The Zoning Administrator may allow occupancy of the condominium project before all improvements required by this Ordinance are installed provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township.

## **SECTION 17.12 - Street Standards, Site Plan Submittal, Inspections**

All streets located within a Condominium Project shall be constructed and paved in accordance with the standards and specifications of the County Road Commission and Township Subdivision Ordinance for developments comparable in use, frontage, etc., to the condominium project. All condominium roads shall be designated and remain common elements as specified in the Master Deed. The Master Deed shall contain a clause approved by the Township Board, which allows an assessment against condominium owners for road maintenance for the purposes of public safety and welfare. Where standards differ, the more restrictive standard shall apply. After submittal of the condominium plan and bylaws as part of the Master Deed, the proprietor shall furnish to the Township a copy of the site plan on a Mylar sheet twenty-four by thirty-six inches (24" x 36") with an image not-to-exceed eight and one-half by fourteen inches (8-1/2" x 14").

Prior to issuance of a Final Certificate of Occupancy by the Township, the Township Engineer shall inspect all site improvements, including roads, water, sanitary and storm sewer facilities, grading and road signs, and determine compliance with all applicable Township Ordinances and requirements.

## ARTICLE 18

### MICHIGAN AVENUE CORRIDOR OVERLAY DISTRICT

#### SECTION 18.01 - Purpose and Intent

The purpose of the Michigan Avenue Corridor (MAC) Overlay District is to guide the development of the corridor in accordance with the Michigan Avenue Corridor Management Study and in such a manner that will allow for a planned and coordinated development pattern and promote the economic growth of this part of Sheridan Township. The MAC Overlay District offers a diverse range of industrial uses, businesses, and services intermixed with residential dwellings.

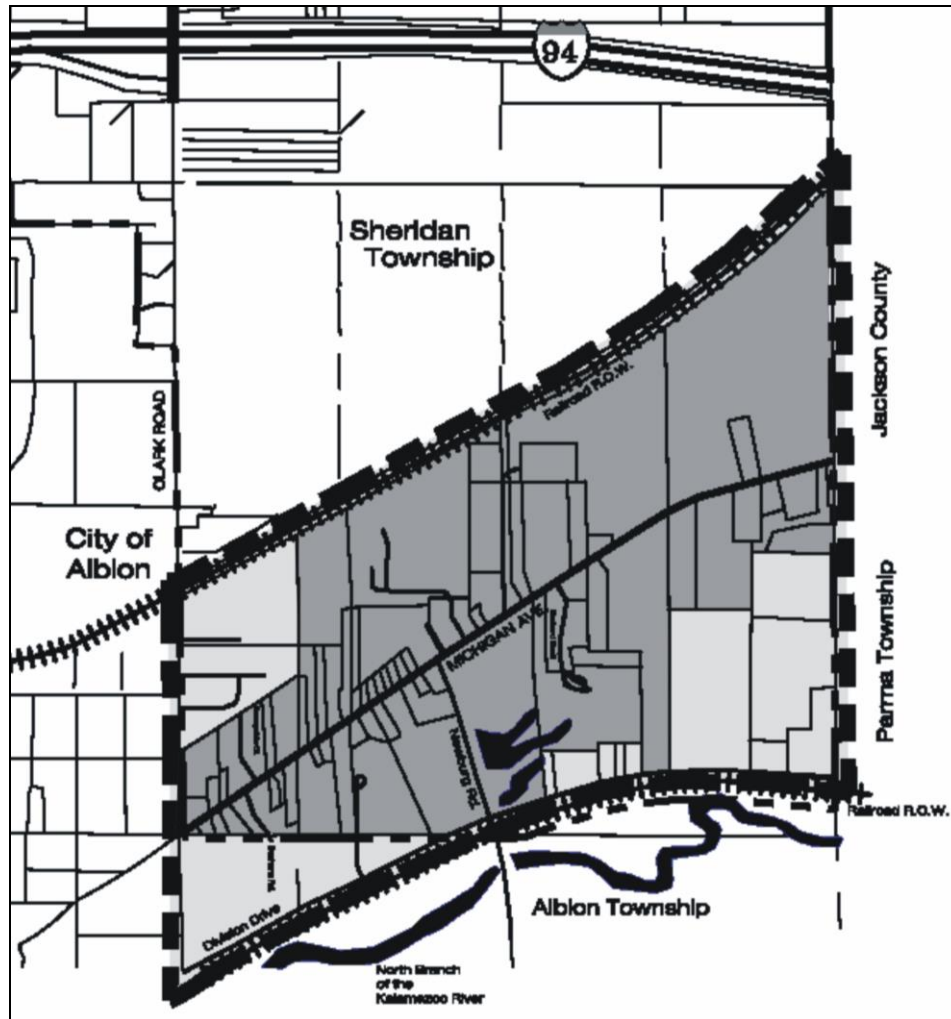
The MAC Overlay District is established in order to advance the following:

- A. Orderly and planned development and redevelopment to complement adjoining uses and harmonize with the surrounding area in terms of the physical site layout, access, building design, pedestrian facilities, landscaping, parking arrangements, and lighting.
- B. The provision of setbacks, buffering, and sensitive site design where non-residential uses abut residential uses.
- C. The establishment of a unique and aesthetically pleasing commercial/industrial area in the MAC which complements the existing nearby City of Albion central business district and will not adversely affect existing residential areas.

The development and redevelopment of sites within the MAC Overlay District shall be consistent with the recommendations of the Township of Sheridan Master Plan and the Michigan Avenue Corridor Management Study.

#### SECTION 18.02 - Applicable Area and Requirements

The MAC Overlay District encompasses the area as illustrated below and defined by all lots fronting Michigan Avenue from Clark Road to the Eastern Boundary of Sheridan Township, including roads and properties extending north from Michigan Avenue to the railroad right-of-way.



### Michigan Avenue Corridor Overlay District Area

The standards of the MAC Overlay District shall apply to any use or structure requiring submittal of a site plan to the Township for review, pursuant to Section 25 of the Sheridan Township Zoning Ordinance.

#### **SECTION 18.03 - Permitted and Conditional Uses**

All uses within the Michigan Avenue Corridor Overlay District shall be restricted to those listed as either permitted or conditional land uses within the underlying zoning districts. The underlying zoning districts range from Medium Density Residential to Heavy Industrial with areas zoned Community Service Commercial.

## SECTION 18.04 - Design Standards

All proposed development within the MAC Overlay District shall meet the recommendations set forth in the Michigan Avenue Corridor Management Study and comply with the specific design standards of this section.

### A. Access Management

The access standards contained in this section shall be required in addition to, and where permissible shall supersede the requirements of the Calhoun County Road Commission and the Michigan Department of Transportation.

1. Driveways shall be located to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade as determined at engineering review.
2. The number of non-residential driveways shall be the minimum necessary to provide reasonable access for regular traffic and emergency vehicles, while preserving traffic operations and safety along the public roadway. A single means of direct or indirect access shall be provided for each separately owned parcel. Where possible, this access shall be via a shared driveway or a service drive. Where it is not possible to provide shared access, this access may be by a single driveway. Additional driveways may be permitted at the discretion of the Planning Commission under one of the following:
  - a) One (1) additional non-residential driveway may be allowed for properties with a continuous frontage of over three hundred (300) feet, and one (1) additional driveway for each additional three hundred (300) feet of frontage.
  - b) Two (2) one-way non-residential driveways may be permitted along a frontage of a least one hundred twenty-five (125) feet, provided the driveways do not interfere with operations at other driveways or along the street.
  - c) Additional non-residential driveways may be justified due to the amount of traffic generated by the use without compromising traffic operations along the public street, based upon a traffic impact study submitted by the applicant.

3. The minimum spacing between two (2) non-residential driveways on the same side of the road shall be based upon posted speed limits along the parcel frontage. The minimum spacing indicated below is measured from centerline to centerline of the driveway.

<b>Speed Limit MPH</b>	<b>Minimum Driveway Spacing feet</b>
25	125
30	155
35	185
45	245

For sites with insufficient street frontage to meet the above criterion, the Planning Commission may require construction of the driveway along a side street, a shared driveway with an adjacent property, or construction of a driveway along the property line farthest from the intersection.

New non-residential driveways shall be aligned with existing driveways on the opposite side of the roadway where possible. If alignment is not possible, driveways should be offset a minimum of two hundred fifty (250) feet along Michigan Avenue and one hundred fifty (150) along other roadways. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways or sight distance limitations.

Minimum spacing requirements between proposed driveways and road intersections shall be set on a case-by-case basis by the Planning Commission during site plan review. In no instance shall the spacing distance be less than the distances listed in the following table. The following measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections. For sites with insufficient street frontage to meet the above criterion, the Planning Commission may require construction of the driveway along a side street, as shared driveway with an adjacent property, or construction of a driveway along the property line farthest from the intersection.

<b>Location of Driveway</b>	<b>Minimum Spacing for a Full Movement Driveway feet</b>	<b>Minimum Spacing for a Channelized Driveway Restricting Left Turns feet</b>
Along Michigan Ave.	200	125
Along other roads	75	50

4. Provisions for circulation between developments on adjacent parcels shall be required through joint drives and cross-access connections.
5. All non-residential driveways and approaches shall be designed according to the "Administrative Rules Regulating Driveways, Banners, and Parades" (Effective November 20, 1998) as provided by the Michigan Department of Transportation.

B. Pedestrian Pathways and Sidewalks

Pedestrian access and circulation shall be accomplished through a five (5) foot sidewalk parallel to the roadway, just outside the road right-of-way. It shall also be planned to ensure safe pedestrian movement within the development. Pedestrian pathway connections to parking areas, building, site amenities and between on-site and perimeter pedestrian pathways and sidewalks shall be planned and installed wherever feasible.

C. Landscaping, Greenbelt, and Screening

All landscape features of the development shall conform to the guidelines detailed in the Michigan Avenue Corridor Management Study in order to ensure that the image of the corridor is promoted by the organization, unification, and character of the district. All developments shall be landscaped and screened as follows.

1. A greenbelt separation area of a minimum width of fifty (50) feet, shall be required between off-street parking areas and Michigan Avenue and other interior road rights-of-way to screen the parking area and shall include:
  - a) A landscaped area with a minimum of one (1) deciduous or evergreen tree for each thirty (30) lineal feet, or fraction thereof, of greenbelt separation area (excluding driveways). A minimum of five (5) shrubs for each thirty (30) lineal feet shall also be provided. Such trees and shrubs shall be located between the abutting right-of-way and the off-street parking area or vehicular use area and include species as recommended later in this section.
  - b) A hedge, berm, or wall forming a solid screen with a vertical rise of at least three (3) feet above the street grade may be required by the Planning Commission within said separation area when it is determined that a more intensive screen is needed to adequately screen the glare of headlights from the parking area. The hedge,

berm, or wall shall have the effect of reducing the visual effect of parked cars.

- c) The remainder of the required greenbelt area shall be landscaped with grass, ground cover or other landscape treatment that excludes paving such as concrete or asphalt. This shall not be construed to prohibit decorative brick paving.
2. A landscape buffer/screen of a minimum width of twenty (20) feet shall be required between all commercial, industrial, or non-residential uses abutting residential uses as follows: A masonry wall or landscape screen with a height of at least four (4) feet six (6) inches shall be maintained as the buffer treatment. If the developer decides to construct a masonry wall, he/she shall in addition plant one (1) tree for each forty (40) lineal feet of masonry wall. Trees shall be located on the outside of the wall (facing the residential property). If the developer decides to use a landscape screen without the masonry wall, the buffer shall be planted with dense foliage in such a manner as to provide eighty (80) percent opacity.
  3. All off-street parking areas containing greater than twenty (20) spaces shall provide the following:
    - a) Within the interior of the parking lot there shall be twenty (20) square feet of landscaped area for each parking space. Landscaped space required as a buffer planting area or separation area between the public right-of-way and the vehicular use area cannot be considered as interior landscaped area.
    - b) Each interior landscaped area shall have at least two hundred (200) square feet.
    - c) The interior landscaped areas shall be located in a manner that breaks up the expanse of pavement throughout the parking lot. Landscaping materials, excepting trees, shall be maintained so as not to exceed three (3) feet in height. The total number of trees shall not be less than one (1) for each three hundred (300) square feet, or fraction thereof of required interior landscaped area.
  4. Landscaping shall also be provided in the area immediately surrounding the building to enhance the exterior appearance of the building. Trees should be used in front of long, blank facades or multi-story structures. Foundation landscaping shall be provided at least in those areas visible from the road right-of-way.



5. Refuse containers for other than single and two-family uses shall be screened from view of any public right-of-way or adjacent residential uses or residential zoning districts. Screening shall consist of a solid wall, fence, or living landscape screen at least six (6) feet high.
6. The Planning Commission may waive or modify the landscaping requirements set forth in this section.
7. The materials used to comply with this section must meet the standards that follow.
  - a) No artificial plants or trees may be used. All plant materials must be maintained in a healthy and growing condition. All walls and fences must be maintained so as to ensure the continuity of the wall and/or fence. Diseased, dying, dead and/or damaged materials must be replaced to ensure the continuity of the required buffer.
  - b) Trees required within the front yard shall be planted in groupings as part of landscape beds rather than being planted in the turf. They shall be arranged in a naturalized rather than formal fashion.
  - c) All landscape beds shall be mulched with organic mulch, such as shredded bark mulch. Rock, stone, plastic, and other mulches that will not decompose shall be avoided.
  - d) Recommended species to fulfill the above requirements include the following:

<b>Common Name</b>	<b>Botanical Name</b>	<b>Size (min.)</b>
<b>Deciduous Trees</b>		
Chinkapin Oak	<i>Quercus muehlenbergii</i>	2.5 in. caliper
Northern Pin Oak	<i>Quercus ellipsoidalis</i>	2.5 in. caliper
Kentucky Coffee Tree	<i>Gymnocladus dioicus</i>	2.5 in. caliper
Sugar Maple	<i>Acer saccharum</i>	2.5 in. caliper
Sweetgum	<i>Liquidambar styraciflua</i>	2.5 in. caliper
London Planetree	<i>Platanus x acerifolia</i>	2.5 in. caliper
Callery pear	<i>Pyrus calleryana</i>	2.5 in. caliper
Zelkova serrata	<i>Japanese zelkova</i>	2.5 in. caliper
<b>Shrubs</b>		
Dogwood	<i>Cornus stolonifera spp.</i>	24" ht.
Burning Bush	<i>Euonymus alata</i>	24" ht.
Witch Hazel	<i>Hamamelis virginiana</i>	24" ht.
Juniper	<i>Juniperus chinensis spp</i>	18" ht.
Potentilla	<i>Potentilla spp.</i>	18" ht.

Alpine Current	<i>Ribes alpinum</i>	18" ht.
Staghorn Sumac	<i>Rhus typhina</i>	variable
Spirea	<i>Spirea spp.</i>	24" ht.
Viburnum	<i>Viburnum spp.</i>	24" ht.

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**Ornamental Grasses and Perennials**

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Daylilies	<i>Hemerocallis</i>	2 gal. cont.
Purple Coneflower	<i>Echinacea purpurea</i>	2 gal. cont.
Lavander	<i>Lavandula spp.</i>	2 gal. cont.
Lupine	<i>Lupinus spp.</i>	2 gal. cont.
Bee Balm	<i>Monarda spp.</i>	2 gal. cont.
Black Eyed Susan	<i>Rudbeckia</i>	2 gal. cont.
Russian Sage	<i>Perovskia atriplicifolia</i>	2 gal. cont.
Blue Speedwell	<i>Veronica x. Sunny Bor.</i>	2 gal. cont.
Purple Maiden Grass	<i>Miscanthus s. spp.</i>	2 gal. cont.
Fountain Grass	<i>Pennisetum alopecuroid.</i>	2 gal. cont.
Switch Grass	<i>Panicum virgatum</i>	2 gal. cont.

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**D. Lighting**

All exterior lighting fixtures shall be designed to be cohesive throughout a development site as well as along all interior roadways. Parking lot and decorative lighting for walkways or buildings on each site will be determined as a part of site plan approval.

1. Light fixtures along the Michigan Avenue Corridor shall be consistent with the Michigan Avenue Corridor Management Study or an approved equal, similar to that shown in the graphic below.



2. All lights shall be designed to minimize glare and light pollution of the night sky. Pole-mounted fixtures shall be down-directed and have cut-off distribution.
3. The maximum height of pole-mounted lights shall be twenty (20) feet.

4. Wall-mounted lights shall be fully shielded and down directed. Unshielded and exposed wall-mounted lights are prohibited.

E. Architecture

The following standards are intended to apply design principles to buildings in the Overlay District. These standards are established to emphasize the importance of the design of the building and other objects observed by the public. Therefore, the applicant shall demonstrate in the submission of a site plan and supportive material that the following design standards are met:

1. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate projections or recesses. No uninterrupted length of any facade shall exceed one hundred (100) horizontal feet.
2. Roofs shall have no less than one (1) of the following features:
  - a) Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view are required. Parapets shall not exceed one-third (1/3) of the height of the supporting wall at any point.
  - b) Sloping roofs with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run; and/or
  - c) Three (3) or more roof slope planes.
3. The predominant exterior building materials which face a public street shall be high quality material, including, but not limited to Exterior Insulation and Finish System (EIFS), brick, stone, and integrally tinted/textured concrete masonry units. Facade colors shall be low reflectance. The use of high-intensity colors, metallic colors, or fluorescent colors shall be prohibited.
4. Building Design.
  - a) The height, width and general proportions of the building should be compatible with the other buildings in the Overlay District.
  - b) Building components, such as windows, doors, eaves, and parapets shall have good proportion and relationships to one another.

- c) Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with material harmonious with the building, or they shall be so located as to not be visible from any public ways.

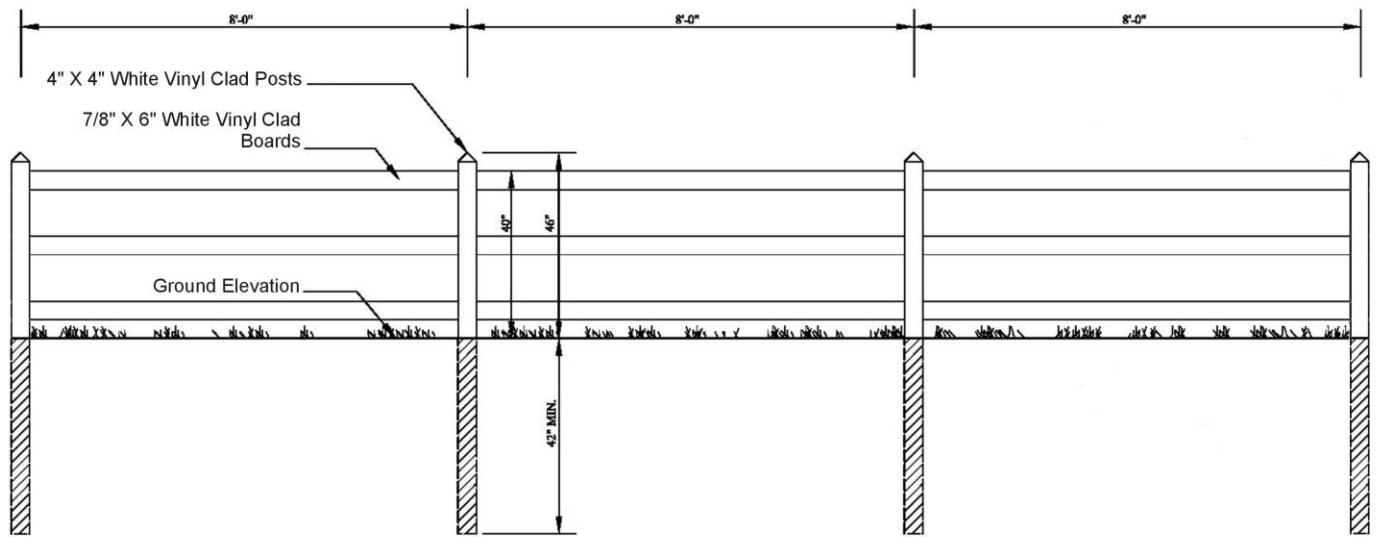
F. Central Feature and Common Element

Each development within the Overlay District shall contribute to the establishment or enhancement of the community by providing a post and rail fence as provided in the detail below. In addition to the post and rail fencing at least two (2) of the following shall be provided within the Overlay District: extensive landscaping, pedestrian walkways and connections, pedestrian areas with benches, or other such deliberately shaped areas and/or focal features that, in the judgment of the Planning Commission, adequately enhance such community space. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

G. Planning Commission Modification

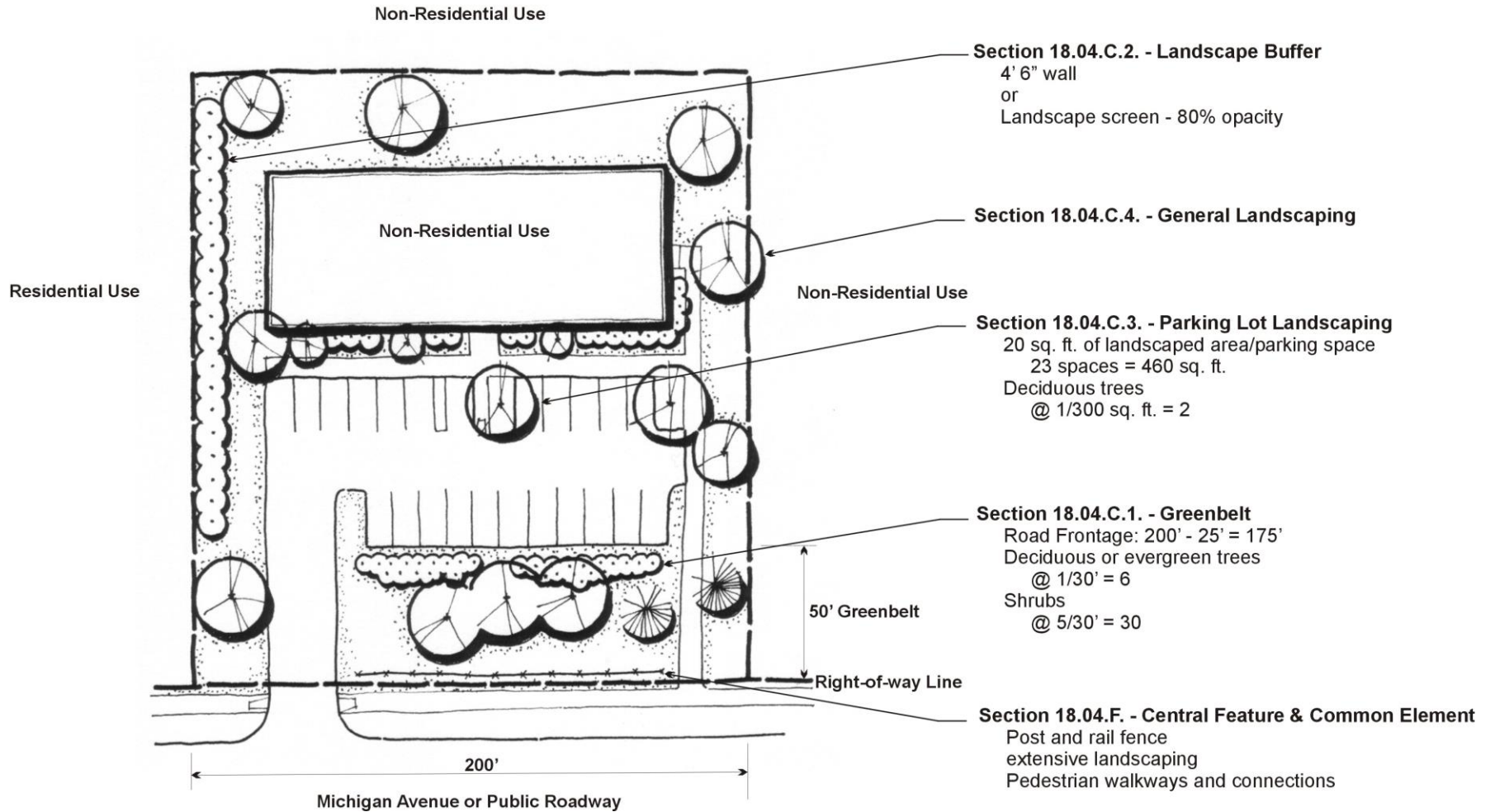
Any of the requirements of this section may be waived or modified through site plan approval, provided that the Planning Commission first makes a finding:

1. That the topographic features or special characteristics of the site create conditions so that the strict application of the provisions of this section would be less effective or not applicable due to those conditions.
2. That the public benefit intended to be secured by this section will exist with less than the strict adherence to these provisions.



**Post and Rail Fence Detail**

## Michigan Avenue Corridor Overlay District Design Standards



**ARTICLE 19**

**RESERVED**

## ARTICLE 20

### NONCONFORMING BUILDINGS AND USES

#### SECTION 20.01 - Nonconforming Uses of Land

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

- A. No such nonconforming use shall be enlarged or increased to occupy a larger area, nor moved in whole or in part to any other portion of the lot or parcel occupied at the effective date or adoption or amendment of this Ordinance.
- B. Any nonconforming use of land abandoned for a period of more than ninety (90) days shall subsequently conform to the requirements of this Ordinance.

#### SECTION 20.02 - Nonconforming Uses of Buildings

Where a lawful building exists at the effective date of this Ordinance or amendment thereto, that could not be built under this Ordinance by reason of its location on the lot, lot coverage, height, yard or other characteristics, such structure may be continued, subject to the following:

- A. Any structure existing at the effective date of this Ordinance, devoted to a use not permitted by this Ordinance in the district in which it is located, shall not be altered, enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. When a nonconforming use of a building is vacated or abandoned for six (6) consecutive months, the building shall not be used thereafter except in conformance with the regulations of the district in which it is located.

#### SECTION 20.03 - Nonconforming Buildings

Where a lawful structure exists at the effective date of adoption or amending of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure



or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way, which increases its nonconformity.
- B. All lots of record at the effective date of this Ordinance shall be exempt from Sections 20.03 D., 4.04 A., and 5.04 A.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved, provided that mobile homes may be replaced with similar units.
- D. Should such structure be destroyed by any means to an extent of more than fifty (50%) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. Such repairs shall be initiated within ninety (90) days.
- E. The replacement of a mobile home with another of better quality and/or larger size on the exact same location shall be allowed by: obtaining a Mobile Home Replacement Home Permit, by paying a minimal fee to cover the necessary inspections and conforming with the provisions of this Ordinance (see also Section 14.15).

#### **SECTION 20.04 - Illegal Nonconforming Uses and Buildings**

Those alleged nonconforming uses of land, uses of buildings and buildings, which cannot be proved conclusively to have existed prior to the effective date of this Ordinance, or any amendment thereto, shall be declared illegal nonconforming uses of land, nonconforming uses of buildings and nonconforming buildings and shall be discontinued upon written notification from the Zoning Administrator.

#### **SECTION 20.05 - Violation Removal**

A nonconforming structure that was erected, converted or structurally altered in violation of the provisions of the ordinance which this Ordinance continues shall not be validated by the adoption of this Ordinance and such violations may be ordered removed or corrected by the Zoning Administrator.

## ARTICLE 21

### SIGN REGULATIONS

#### SECTION 21.01 - Intent

- A. It is the intent of this section to ensure the effective use of signs as a means of communication in the Township; to maintain and enhance the esthetic environment; to improve pedestrian and traffic safety; to minimize the adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these signs restrictions. This section is intended to allow a variety of types of signs in commercial and industrial districts, a limited variety of signs in other districts, and incidental signs.
- B. In the application of this Ordinance, it is the intent to protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:
1. Do not add to or create visual clutter.
  2. Do not create a nuisance to persons using the public right-of-way.
  3. Do not constitute a nuisance to occupancy of nearby property by brightness, size, height, or movement.
  4. Do not hinder or obstruct traffic flow.
  5. Are not detrimental to land or property values.
- C. A sign may be established or maintained in the Township only in conformance with the standards, procedures, exemptions and other requirements of this ordinance.

#### SECTION 21.02 - General Sign Regulations.

No sign shall be erected at any location, whereby reason to the position, size, shape color, movement or illumination, it may interfere with, obstruct the view of, be confused with any authorized traffic sign, signal or devise so as to interfere with, mislead or confuse traffic. Consideration of traffic visibility and injurious effects on adjacent properties is essential. All signs shall be designed, constructed and maintained so as not to change the essential character of such area. The Township Board, upon

recommendation of the Planning Commission, may require the applicant to post a compliance Bond as provided in Section 26.13 of this Ordinance. Except as herein after provided, no sign shall be erected, moved or altered unless in conformity with the regulations specified for the district in which it is located.

A. Location: All signs must direct attention to a business or profession conducted on the premise or to a commodity, service or entertainment primarily sold, offered, manufactured, processed or fabricated thereon unless specified elsewhere in these regulations.

B. Illumination:

1. No sign shall be illuminated by other than electrical means.

2. The light from illuminated signs shall be directed in a manner that will not interfere with vehicular traffic or with the enjoyment or use of adjacent properties, nor directly shine onto adjacent or abutting properties. Illuminated signs adjacent to residentially zone or used property shall be designed and maintained such that illumination levels do not exceed 0.1 foot-candle along the adjacent property lines.

3. No sign shall have blinking, flashing or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color, or which are so constructed and operate as to create an appearance or illusion of writing or printing, except that movement showing the date, the time and the temperature exclusively may be permitted.

4. No exposed reflective type bulbs and no strobe lights or incandescent lamps shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

5. The illumination provisions above shall not apply to sign lighting systems owned or controlled by any public agency for the purpose of directing traffic.

6. Neon lighting is prohibited outside of the sign structure and shall not be permitted as accent lighting along a building wall or window.

C. Prohibited Signs: All signs not expressly permitted under this Ordinance are prohibited in the Township. Such prohibited signs include, but are not limited to, the following.

1. Beacons;

2. Roof Signs;
3. Inflatable signs and tethered balloons;
4. Animated signs including: signs containing flashing, intermittent or moving lights or with revolving parts. This provision is not intended to exclude those signs, which give the time or temperature, provided no other animated messages are displayed.
5. Signs affixed to trees, rocks, shrubs or natural features provided, signs denoting a site of historic significance may be allowed.
6. Signs which imitate traffic signals, traffic direction signs or similar traffic control devices or signs which make use of words such as "STOP", "LOOK", "DANGER", or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic.
7. Permanent signs (other than those erected by public agency) which are located within or overhang the public right-of-way or on public property unless specified elsewhere in these regulations.
8. Any strobe, flashing or oscillating lights from the interior or exterior of building.
9. Moving signs. Except as otherwise provided in this section no sign or any portion therefore shall be permitted which moves or assumes any motion constituting a non stationary or fixed condition except for the rotation of barber poles and except currently licensed vehicles and trailers which have painted upon them in a permanent manner the name of the product which they deliver and/or the name and address of the owner.
10. Abandoned signs. Signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located shall be prohibited.
11. Signs, which emit audible sound, odor or visible matter.
12. Exterior string lights used to advertise commercial premises.
13. Any sign erected on a tree or utility pole except signs of any political subdivision of this state.

D. Signs and Activity Permitted in All Districts Without a Permit:

1. Incidental signs which are intended to direct the flow of pedestrian and vehicular traffic on private property. Incidental signs shall not exceed two (2) square feet in area per side and four (4) square feet in height, shall contain no advertising and may be illuminated.
2. Signs erected for traffic safety purposes by public road agencies.
3. Federal, State, County or Local required signs on private property not to exceed six (6) square feet.
4. Real Estate signs subject to the provisions of this ordinance.
5. Changing of advertising copy or message on a theater marquee or similar approved signs, which are specifically designed for the use of replacement COPY.
6. Painting, repairing, cleaning and other normal maintenance and repair of a sign or any sign structure unless a structural change is made.
7. Integral signs, not to exceed a maximum of six (6) square feet.
8. Paper notices placed on kiosks as approved by the Township.
9. Authorized signs of the state or a political subdivision of the State.
10. Flags bearing the official design of a nation, state, municipality, educational institution, church or fraternal organization. Flags bearing the official seal or emblem of a company or corporation including related slogans, messages or graphics. Zone lots shall be limited to four (4) of the above flags. When the site plan review is required, the location of flag poles shall be indicated on the site plan and shall meet the minimum fifteen (15) foot setback required for all signs to adjacent property lines.
11. Permanent signs on vending machines or ice containers indicating only the contents of such devices provided that such devices must be located within ten (10) feet of the building.
12. Business signs containing information on credit cards, business affiliations, hours of operation, open/closed, etc. The combined area of all such signs shall not exceed four (4) square feet and shall be included in the maximum window coverage calculation.

13. Banner signs installed by the Township, intended to announce, civic activities, promote general business interests, or otherwise convey public information. Such signs shall be attached top and bottom (or two (2) sides) to permanent structural members on a post or building erected for another purpose.

### **Section 21.03 - Ground Signs**

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

1. Within all non-residential zoning districts, only one (1) ground sign shall be permitted per zoning lot. If the frontage of a zoning lot exceeds four hundred (400) linear feet two (2) such signs may be permitted. One (1) additional ground sign may be permitted at a secondary entrance if it is not located on the same street as the primary entrance. Sign size, number of signs and location shall be determined during site plan review. Maximum sign area is provided in "Table A" found in the following pages.
2. Within all residential zoning districts, only one (1) ground sign shall be permitted at a primary entrance for the purpose of identifying a subdivision, site condominium, multiple family developments or a mobile home park.
3. Within all residential zoning districts, only one (1) ground sign shall be permitted per zoning lot for the purpose of identifying a non-residential special land use. One (1) additional ground sign may be permitted at a secondary entrance if it is not located on the same street as the primary entrance. Size and location shall be determined during site plan review. Maximum area is provided in "Table A" of this section.
4. One (1) freestanding identification sign stating the name of a business center and major tenants therein may be erected for a shopping center, industrial park or other integrated group of stores, commercial buildings, office buildings or industrial buildings. The sign area shall not exceed one (1) square foot per front foot of building or buildings for which it is erected; however, such signs shall not exceed one hundred fifty (150) square feet in area. Such signs may be up to twenty (20) feet in height. The size of such signs may be increased to one hundred eighty (180) square feet in area if the maximum height is reduced to fifteen (15) feet and it does not obstruct views. If the lot fronts on two (2) or more

collector or arterial streets, one (1) such sign may be permitted for each frontage.

5. All ground signs shall be set back a minimum of fifteen (15) feet from the road right-of-way and shall be located no closer than fifteen (15) feet from the edge of the principal entrance driveway and all property lines.
6. The support structure of a ground sign shall not exceed twenty-five (25%) percent of the maximum permissible area of the sign measured by viewing the elevation of the sign perpendicular to the sign face, unless otherwise approved during the site plan review process.
7. Up to two (2) incidental business signs (menu boards) shall be permitted for business with a drive-through component. Such signs shall not exceed fifteen (15) square feet in area per sign, per face or eight (8) feet in height.

B. Maximum height and area requirements for ground signs shall be applied within each Zoning District according to the following schedule. The maximum height and area for ground signs within business centers are pursuant to paragraph (D) above:

**Table A - Ground Signs.**

District	Max. Height (ft.)	Maximum Area (sq. ft.)	
		Per Side	Total
AA	4 ft.	15 sq. ft.	30 sq. ft.
RB	4 ft.	15 sq. ft.	30 sq. ft.
MF	4 ft.	15 sq. ft.	30 sq. ft.
MHP	4 ft.	15 sq. ft.	30 sq. ft.
HS	8 ft.	80 sq. ft.	160 sq. ft.
CS	8 ft.	36 sq. ft.	72 sq. ft.
LI	6 ft.	80 sq. ft.	160 sq. ft.
HI	6 ft.	80 sq. ft.	160 sq. ft.
OC	6 ft.	50 sq. ft.	100 sq. ft.

## SECTION 21.04 - Building Signs

### A. General Requirements:

1. Within all non-residential zoning districts, a combination of building signs may be established not to exceed the maximum sign area for each permitted district (for single business). Signs for multiple tenant shopping centers shall not exceed one (1) square foot of sign per lineal foot of building frontage per tenant.
2. One (1) projecting sign may be permitted for each first-floor business within the commercial area. The projecting sign may be a maximum of eight (8) square feet in area (each side) and shall be included in the total amount of signs permitted for the subject building. Changeable copy shall not be permitted as a part of projecting signs. Projecting signs must provide a clear distance of nine (9) feet from the sidewalk or private drive or parking lot to the bottom edge of the sign. Projecting signs may extend over abutting sidewalk, but shall not extend over public or private roadways or parking areas. Signs, which extend into the road right-of-way, shall require approval by the Michigan Department of Transportation (MDOT) and/or the Calhoun County Road Commission and/or the Township of Sheridan. The leading edge of a projecting sign shall not extend more than four (4) feet from the face of the building that it is attached to.
3. Channel letter signs are considered to be wall signs that are mounted so that the face of the letters is parallel to the building wall. Mounting regulations for channel letter signs, from wall to outermost face, are as follows:
  - a. Channel letters with transformers mounted inside the letters shall not extend more than sixteen (16) inches from the building wall.
  - b. Channel letters with remote transformers shall not extend more than twelve (12) inches from the building wall.
  - c. Channel letters mounted on a raceway shall not extend more than sixteen (16) inches from the building wall.
  - d. Channel letter signs must provide a clear distance of nine (9) feet from the sidewalk to bottom edge of the sign, but shall not extend over public or private roadways, or parking lots.



- B. A cabinet flat wall sign shall not exceed more than twelve (12) inches from the building wall. Other wall signs shall not exceed more than eight (8) inches from the wall.
- C. Maximum area requirements for building signs shall be applied within each permitted district.

**Table B - Building Signs.**

District	Area (sq. ft.) per One (1) Foot of Building Frontage	Maximum Area in sq. ft.
AA	N/A	12 sq. ft.
RB	N/A	2 sq. ft.
MF	N/A	2 sq. ft.
MHP	N/A	2 sq. ft.
HS	1	50 sq. ft.
CS	1	50 sq. ft.
LI	1	50 sq. ft.
HI	1	50 sq. ft.
OC	1	50 sq. ft.

**SECTION 21.05 - Temporary Signs.**

Temporary signs shall be permitted in accordance with regulations herein:

- A. Un-illuminated on-site temporary Real Estate and Development Signs may be erected in accordance with the regulations of this ordinance.
  - 1. Large tract residential development (more than two (2) residential units). In all single-family or two (2) family use areas, one (1) sign for each public street or road advertising a recorded subdivision or development shall be permitted. Each sign shall not exceed twelve (12) square feet in area. Such a sign may indicate only that the property is for sale or for rent and the address or telephone where the inquiry can be made. It shall have a maximum height of six (6) feet and shall be set back at least twenty (20) feet from any street or road unless attached to the house. Each sign shall be removed after the sale ninety (90%) percent of all lots or units within said subdivision or development or within two (2) years after date of erection, whichever occurs first.

2. Large tract commercial and/or industrial development (five (5) acres or more). Such development may have temporary signs identifying the site for sale or lease of up to one-half (1/2) square foot for every linear foot of frontage along a public right-of-way, up to a maximum of two hundred fifty (250) square feet. One (1) sided signs only are allowed. Location shall be generally parallel to the right-of-way and shall be on tract identified. These signs shall be removed when approximately seventy-five (75%) percent of tract is leased or sold or after five (5) years has elapsed from erecting, which ever comes first.
3. Other Real Estate signs.
  - a. One (1) temporary real estate 'For Sale', "For Rent" or "For Lease" sign located on the property and not exceeding six (6) square feet in area shall be permitted for each lot. If the lot or parcel has multiple frontages, one (1) additional sign not exceeding six (6) square feet in area shall be permitted on lot or parcel. Such sign(s) shall be removed within seven (7) days following sale, rental or leasing. Maximum height of such signs shall be six (6) feet, and signs shall be set back at least five (5) feet from back of sidewalk or twelve (12) feet from street or road where property does not have a sidewalk unless attached to a permanent building. A permit is not required for this type of sign.
  - b. Temporary portable real estate directional signs, not exceeding three (3) square feet in area and four (4) in number, saying "Open House" and/or showing a directional arrow and placed back of property lines outside the public right-of-way shall be permitted on approach routes to an open house. The top of such signs shall not exceed three (3) feet in height, nor may such signs be displayed for more than one (1) day in any seven (7) day period. No such sign shall be placed on private property without the consent of the owner. A permit is not required for this type of sign.

B. Political signs, subject to the following:

1. Signs advocating or opposing a candidate for public office or a position on an issue to be determined at the election, except as prohibited elsewhere in this Ordinance, are permitted. Such signs shall not exceed six (6) square feet in residential or commercial business areas, or thirty-two (32) square feet in all other areas.

2. Political signs may not be placed within the Township more than ninety (90) days in advance of each election where the candidates or issue will be on the ballot, and said signs must be removed within fifteen (15) days after the election.
3. Political signs shall be permitted in the public right-of-way at the location of the voting place on the day of the election only. Such signs shall conform to state and federal election laws. Such signs shall not be placed in such positions as shall interfere with traffic sight lines. Such signs, which do interfere with traffic sights, shall be removed on order Calhoun County Road Commission, Township Zoning Inspector or Township Official.
4. Political messages on outdoor advertising signs are exempt from this section.
5. Nothing in this ordinance shall be construed so as to prohibit signs, or other non-commercial advertising, on any sign on which commercial advertising is permitted.

C. Other temporary signs which comply with the following regulation:

1. Casual sales signs (on site) not to exceed six (6) square feet. A permit is not required for this type of sign. Off-site casual sales signs not to exceed six (6) square feet are permitted when approved by the Township Zoning Inspector. The zoning inspector shall, as a part of approval, list the number and location of such off-site signs it is permitting.
2. Institutional signs not to exceed thirty-two (32) square feet. Such signs shall be allowed no more than fourteen (14) days prior to the event or function and must be removed within forty-eight (48) hours after the event or function. If building mounted, these signs shall be flat wall signs and shall not project above the roofline. If ground-mounted, the top shall be no more than six (6) feet above ground level. Such signs may be illuminated in accordance with this ordinance. Off-site signs for such events and functions are permitted when approved by the Township Zoning Inspector. The zoning inspector shall, as a part of approval, list the number, location and size of such off-site signs he/she is permitting.
3. Commercial activity signs not to exceed sixteen (16) square feet.

4. Signs intended to be utilized until a permanent sign may be obtained and erected can be approved by the Township Zoning Inspector for a period not to exceed sixty (60) days. Such signs shall not exceed sign area permitted within the appropriate zones.
  5. One (1) non-illuminated freestanding sign listing persons or firms connected with construction work being performed may be permitted upon application to the Township Zoning Inspector provided such signs are located on the Property under construction. Such signs shall not exceed thirty-two (32) square feet in area, a height of six (6) feet, and will be removed upon the completion of work on site.
  6. Signs six (6) square feet in area or less and a maximum of four (4) feet in height which list persons or firms connected with construction, maintenance or service being performed at the time shall be permitted without permit. Such signs must be located on the property under construction and must be removed upon completion of work on site.
  7. Portable Signs shall conform to the maximum sign areas as provide in Table "A" found in Section 21.03 and shall comply with all regulations for temporary signs.
  8. Window signs, which occupy twenty (20%) percent or less of the total window area, may be permitted without a permit. Signs which occupy greater than twenty (20%) percent of the total window area shall be prohibited and considered a violation of this ordinance.
- D. Placement and duration of temporary signs. Unless specified elsewhere in this ordinance the placement and duration of temporary signs shall be regulated as follows:
1. No temporary sign shall be placed on public property or right-of-way unless it is advertising an event to be held on public property unless specified elsewhere in these regulations.
  2. No temporary sign shall be placed on private property other than the location of the event unless the property owner grants permission.
  3. Temporary signs on private property must meet the minimum sign setback requirements of this ordinance.

4. Duration of display. Unless specified elsewhere in this ordinance temporary signs may not be displayed more than seven (7) consecutive days in any thirty- (30) day period.
- E. Permit required. Unless specified elsewhere in this ordinance a permit shall be required to display any temporary sign described by these regulations. Such permit shall be issued by the Township of Sheridan or Zoning inspector or designee and shall clearly specify the name, address and telephone number of the applicant as well as the title and dates of the event advertised and authorized location for the placement of the sign. The permit shall be clearly displayed on the sign. Permit fee, if any, is to be established by resolution of the Township Board of Trustees.
- F. Authorization of exceptions. Any exception to these regulations requires prior permission by the Township Planning Commission.
- G. No signs shall be allowed in the public right-of-way, except for the following:
  1. Signs erected by or on behalf of a governmental or public agency to post legal notice, identify public property, convey public information and direct or regulate pedestrian or vehicular traffic.
  2. Projecting signs pursuant to the provisions of these regulations.
  3. Portable sidewalk signs pursuant to provisions of these regulations.
  4. Banner signs pursuant to the provisions of these regulations.

#### **Section 21.06 - Non-conforming Existing Signs.**

- A. A non-conforming sign shall not:
  1. Be structurally altered so as to prolong the life of the sign so as to change the shape, size, type or design of the sign.
  2. Be changed unless such a change is in conformance with the provisions of this ordinance, except word or symbols displayed on such a sign may be changed.
  3. Be relocated or replaced.

4. Be re-established after the activity, business or usage to which it relates has been discontinued for ninety (90) days or longer except for seasonal business. In the case of a seasonal business such activity, business or usage to which the sign relates shall have been discontinued for a period of two hundred seventy (270) days.
  5. Be re-established after damage or destruction if the estimated expense of reconstruction exceeds sixty (60%) percent of the replacement cost as determined by the Zoning or Building Inspector.
- B. On the happening of Section 21.06.A. (1-5) above, the sign shall be immediately brought into compliance with this ordinance with a new permit secured thereto, or removed.
- C. Nothing in this section shall relieve the owner or user of the property on which a legal non-conforming sign is located from the provision of this ordinance regarding safety, maintenance and repair of the signs, provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more non-conforming or the sign may lose its legal non-conforming status.
1. Elimination:  
  
Any existing sign or billboard not conforming to the requirements of this ARTICLE shall be deemed to be a non-conforming structure or a non-conforming use of a building, structure or land.
  2. Conditional Use regulation:  
  
With all Conditional Use permits, the size of all signs shall be determined by the intended use of the premises, subject to the review and approval of the Township, during a Conditional Use plan review.

## **SECTION 21.07- Administration**

- A. Site Plan Review. For new development subject to site plan review under the provision of Article 25, the final site plan shall include a comprehensive sign plan including ground, wall and directional sign locations and details. Any signs, other than directional signs, not included in the comprehensive sign plan at the time of final plan approval shall be subject to Planning Commission approval.

- B. Permits Required: Application for a permit to erect or replace a sign, or to change copy thereon, shall be made by the owner of the property, or his authorized agent, to the Township Zoning Inspector, by submitting the required forms, fees, exhibits and information. Fees for sign permits shall be established by resolution of the Township Board of Trustees. An application for a sign permit shall contain the following:
1. The applicant's name and address in full, and a complete description of his/her relationship to the property owner.
  2. If applicant is other than the business owner, the signature of the business owner concurring in submittal of said application is required.
  3. The address of the property.
  4. An accurate survey drawing of the property showing location of all buildings and structures and their uses and location of the proposed sign.
  5. A complete description and scale drawing of the sign, including all dimensions and the area in square feet.
- C. All signs shall be inspected by the Township Building Inspector for conformance to this ordinance prior to placement on the site. Foundations shall be inspected by the building inspector on the site prior to pouring of the concrete for the sign support structure.
- D. A sign permit shall become null and void if the work for which the permit was issued has not been complete within a period of six (6) months after the date of the permit.
- E. Painting, repairing, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural or size change is made, shall not require a sign permit.
- F. Signs for which a permit is required shall be inspected periodically by the Township Zoning Inspector for compliance with this ordinance and other laws of the Township of Sheridan.

## **SECTION 21.08 - Liability for Damages**

The provision of this ordinance shall not be construed to relieve or limit in any way the responsibility or liability of any firm, person or corporation which erects or owns any sign for personal injury or property damage caused by the sign; nor shall the provisions of this ordinance be construed to impose upon the Township of Sheridan, its officers or its employees any responsibility or liability by reason of the approval of any sign under the provisions of the ordinance.

## **SECTION 21.09 - Removal of Signs**

- A. The Zoning Inspector or designee shall order the removal of any sign erected or maintained in violation of this ordinance except for legal non-conforming signs. Notice in writing shall be given to the owner of such sign or of the building, structure or premises, which such sign is located, to remove the sign or bring into compliance with the ordinance. Failure to remove the sign or to comply with this notice shall be a misdemeanor. The Township shall also remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any cost of removal incurred by the Township shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinance debt or in the manner of taxes and such charge shall be a lien on the property.
  
- B. A sign shall be removed by the owner or lessee of the premises upon which the sign is located within thirty (30) days after the business, which it advertises, is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Township shall remove it in accordance with the provision stated in Section 21.09.A., preceding. These removal provisions shall not apply where a subsequent owner or lessee conducts the same type of business and agrees to maintain the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this ordinance.

## **SECTION 21.10 - Construction Specifications**

Compliance with building code. All signs shall comply with the appropriate provision of adopted Township Building Codes relating to design, structural members and connections. Signs shall also comply with the provisions of the applicable electrical code and construction standards hereinafter set forth in this article.



## Section 21.11 - Construction of signs, Auxiliary Specifications

- A. Obstruction to exits. No sign shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress
- B. Obstruction to ventilation. No sign shall be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that such signs may be erected in front of and may cover transom windows when not in violation of the provisions of the building or fire code.
- C. Clearance from high-voltage power lines. Signs shall be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electrical Code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than twenty-four (24) inches horizontally or vertically from a conductor or public utility guy wire.
- D. Drainage. The roofs of all marquees exceeding forty (40) square feet shall be properly guttered and connected with down spouts so that water will not drip or flow into public sidewalks or streets. Down spouts shall be connected to storm sewer when available.
- E. Freestanding signs. All freestanding signs structures or poles shall be self-supporting structures erected on and permanently attached to concrete foundations. Such structures or poles shall be fabricated only from painted steel or such other materials as will meet adopted Township Building Codes.
- F. Electric signs. All electric signs shall be approved and labeled as conforming to the standards of the United States Bureau of Standards, the Underwriters' Laboratories, Inc., or other similar institution of recognized standing. The full number of illuminating elements thereof shall be kept in satisfactory working condition or immediately repaired or replaced. Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated. All electrical signs shall have a disconnecting switch located in accordance with the provisions of the safety code.
- G. Glass. When glass is used for sign letters or transparent panels it shall be at least double-strength thickness for sign areas up to and including three hundred (300) square inches. When glass is used for sign letters or transparent panels for sign areas in excess of three hundred (300) square inches, at least one-quarter (1/4) inch wire glass shall be used and the maximum span between supports shall be four (4) feet.

- H. Strength of parapet wall. A wall must be designed for and have sufficient strength to support any sign which is attached thereto.
- I. Support and braces. Metal supports or braces shall be adequate for wind loading, as required in subparagraph J. following. Wire or cable supports shall have a safety factor of four (4). All metal wire cable supports and braces and all bolts used to attach signs to bracket or brackets and signs to the supporting building or structures shall be of galvanized or of an equivalent material. There shall be no visible angle irons or unsightly supports. All such sign supports shall be an integral part of the sign.
- J. Wind loads. All signs, except those attached flat against the wall of a building, shall be constructed to withstand wind loads as follows:
  - 1. For solid signs, thirty (30) pounds per square foot on one (1) face.
  - 2. For skeleton signs, thirty-six (36) pounds per square foot of the total face area of the letters and other surface, or ten (10) pounds per square foot of the glass area of the sign as determined by the overall dimensions of the sign, whichever is greater.
- K. Sign anchoring. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.
- L. All signs shall be so placed as to not interfere with the visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or pedestrian movement on any public sidewalk or safety path.
- M. No sign shall be erected, relocated or maintained so as to obstruct fire fighting or prevent free access to any door, window or fire escape.

## **SECTION 21.12 - Violations**

- A. Any of the following shall be a violation of this ordinance:
  - 1. To install, create, erect or maintain any sign in a way inconsistent with terms of this ordinance or that is inconsistent with any plan or permit governing such sign or the zoning lot on which the sign is located;

2. To install, create, erect or maintain any sign requiring a permit without such a Permit;
- B. Each sign installed, created, erected or maintained in violation of this ordinance shall be considered a separate violation.
  - C. Unless specified elsewhere in this ordinance any sign placed within a road Right-of-Way (ROW) and on utility poles will be considered a violation of this ordinance and may be removed by the Township at the expense of the owner.

### **SECTION 21.13 - Enforcement**

Knowing and willful violation of the provision of this ordinance shall be a municipal civil infraction. Enforcement of this ordinance may proceed through the municipal civil infraction process. Each day that such violation continues after receipt of written notice to remove a sign shall be deemed a separate offense. Violation of these regulations shall result in a revocation of the subject sign permit.

## ARTICLE 22

### PARKING AND LOADING REQUIREMENTS

#### SECTION 22.01 - General Parking Requirements and Application of Regulations

- A. No building or structure shall be erected, enlarged, altered, or moved nor 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 this Article 22.
- B. No parking area or parking space which exists at the time this Ordinance becomes effective or which subsequent thereto is provided for the purposes of complying with the provisions of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance, unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this Ordinance and the distance requirements as specified in Section 22.01 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 (2) family dwellings may be provided on a separate lot so long as the distance from the parking facility to the single-family or two (2) family dwelling shall not exceed one hundred fifty (150) feet.
  - 2. In all other cases in which off-street parking facilities are required by this Ordinance, such facilities may be provided on a separate lot so long as the distance from such facilities to the principal building, which is to be served by such facilities, does not exceed three hundred (300) feet.

#### SECTION 22.02 - Off-Street Parking Requirements in the "AA" District

In an AA - Agricultural District, 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 (5) 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.
- D. Outdoor storage or overnight parking of a commercial vehicle over one (1) ton capacity shall be permitted if such vehicle is necessary to the function of the premises and provided that such vehicle(s) be parked entirely within a side or rear yard or enclosed within a structure.

#### **SECTION 22.03 - Off-Street Parking Requirements in the "RB" District**

- A. Parking of motor vehicles shall be limited to passenger vehicles, one (1) non-residential type recreational vehicle per dwelling unit, and not more than one (1) commercial vehicle of the light delivery type, not-to-exceed three-fourths (3/4) 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.
- B. Off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence or compact planting strip exists as a parking barrier along the property line.
- C. Off-street parking area 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.

#### **SECTION 22.04 - Off-Street Parking Requirements in the "MF" District**

- A. All private drives and parking areas shall be paved.
- B. All private drives shall have a minimum width of twenty-two (22) feet and each parking space shall not be less than eight and one-half (8-1/2) feet in width nor less than eighteen (18) feet in length.

- C. At least two (2) parking spaces shall be provided for each dwelling unit.
- D. No private drive cul-de-sac shall be more than three hundred (300) feet in length nor shall have a turning diameter of less than seventy-five (75) feet at the terminus thereof.
- E. The parking spaces provided for each dwelling unit shall be located no further than one hundred twenty-five (125) feet there from.

**SECTION 22.05 Design Requirements of Off-Street Parking Areas in Commercial and Industrial Districts**

- A. Each off-street parking space for automobiles shall not be less than two hundred (200) 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 (10) 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 ninety (90) degree of perpendicular parking, the aisle shall not be less than twenty-two (22) feet in width.
  - 2. For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet in width.
  - 3. For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width.
  - 4. For parallel parking, the aisle shall not be less than ten (10) feet in width.
- B. Off-street parking facilities, required for churches may be reduced by fifty (50%) percent where churches are located in non-residential districts and within three hundred (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 sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not less than ten (10) feet in width and fifty-five (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. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence or compact planting strip exists as a parking barrier along the property line.
  2. Off-street parking areas shall be paved or blacktopped and drained so as to prevent drainage onto 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 (5) 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 (4) 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 off-street parking areas of one (1) or two (2) family dwellings.
  6. Combined parking facilities are allowed where two (2) or more uses occur on one (1) property or when a building(s) on one (1) property contain two (2) 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 (1) 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 21.
- E. A business involving the repair, service, sale or display of vehicles is prohibited in areas used for parking or loading.

#### **SECTION 22.06 -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, installations 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 eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
  3. Fractions - When units of measurement determining the number of required parking spaces result in requirement of fractional space. Any fraction shall require one (1) 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 Requirement
Automobile or Machinery Sales and Services Garages	One (1) space for each one hundred (100) square feet of showroom floor area, plus six (6) spaces for each service bay plus one (1) space for each two (2) employees on the maximum shift and one (1) space for each used car display area
Banks, Business and Professional Office	Two (2) parking spaces for each two hundred (200) square feet of floor area plus one (1) parking space for each employee working within the building
Barber Shops & Beauty Parlors	Three (3) spaces for each chair plus one (1) space for each employee
Boarding & Lodging Houses, Fraternities	Two (2) parking spaces for each three (3) beds
Bowling Alleys	Eight (8) spaces for each alley plus one (1) space for each employee per shift
Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Halls other than schools	One (1) space for each four (4) seats or for each four (4) persons permitted in such edifice as stated by the Fire Marshal



Clinics	Four (4) spaces for each doctor plus one (1) space for each employee per shift
Convalescent Home, Orphanage or Similar Use each	One (1) parking space for four (4) beds plus one (1) space for each two (2) employees, including nurses per shift and one (1) for staff doctor
Drive-in Banks, Cleaners and Similar Businesses	Storage space for five (5) cars between the sidewalk area and the service window and one (1) parking space for each two (2) employees and one (1) space for each two hundred (200) square feet.
Drive-in Eating Establishments	Ten (10) parking spaces for each family dwelling unit
Dwellings (Single & Two (2) Family)	Two (2) parking spaces for each family dwelling unit
Dwellings (Multiple-Family)	Two (2) parking spaces for each family dwelling unit
Funeral Homes & Mortuaries	Four (4) spaces for each slumber room or one (1) space for each fifty (50) square feet of floor area, whichever is greater, plus one (1) space for each fleet vehicle
Furniture, Appliance Stores, Household Equipment & Furniture Repair Shops	One (1) space for each four hundred (400) square feet of floor area
Gasoline Filling & Service Stations	Three (3) parking spaces for each repair & service stall, plus one (1) space for each employee per shift
General Office Buildings	One (1) parking space for each four hundred (400) square feet of gross floor area excluding auto parking within or on the building, plus one (1) parking space per two (2) employees per shift
Hospitals	One (1) space for each bed plus one (1) space for each two (2) employees and one (1) space for staff doctor
Hotels, Motels, Lodging Houses, & Boarding Homes	One (1) space for each Tourist living unit plus one (1) space per (2) employees per shift
Libraries, Museums, Post Offices	One (1) parking space for each eight hundred (800) square feet of floor area plus one (1) parking space for each two (2) employees per shift
Livestock Auction	Two (2) square feet of parking area for each one (1) square foot of buildings, pens, & all enclosed areas on the premises of the auction facility.

Manufacturing, Fabricating	One (1) space for each emcessing and Bottling Plants, employee per shift plus two (2) search and Testing Laboratories spaces for each purchasing agent and five (5) visitor spaces
Restaurants, Beer Parlors, Taverns, Night Clubs, Private Clubs, and patron Mechanical Amusement Arcades	One (1) parking space for each four (4) patron seats, plus one (1) parking space for each two (2) employees per shift
Retail Stores, except as Otherwise specified herein	One (1) parking space for each one hundred fifty (150) square feet of floor area excluding auto parking space within or on the building
Roadside Stands	Five (5) parking spaces for each twenty-five (25) square feet of floor area
Schools, Private or Public Elementary & Junior High Schools	One (1) space for each employee normally engaged in or about the building or grounds plus one (1) space for each thirty (30) students enrolled
Senior High School & Institutions of Higher Learning, Private or Public	One (1) parking space for each employee (including teachers and administrators) plus one (1) for each ten (10) students
Self-Service Laundry or Dry Cleaning Stores	One (1) space for each two (2) washing and/or dry cleaning machines
Supermarket, Self-Service Food and Discount Stores	Two (2) spaces for each two hundred (200) square feet of floor area plus one (1) space for each two (2) employees per shift
Wholesale Establishments and Warehouses	One (1) space for each four hundred (400) square feet of floor area plus one (1) space for each two (2) employees

- C. Where a use is not specifically mentioned in subparagraph B., of Section 22.06 above, the requirements of a similar or related use shall apply, as determined by the Zoning Administrator.
- D. Where two (2) or more of the above uses are combined on the premises, the parking requirements shall be determined by computing the sum of the requirements of all the uses.

**SECTION 22.07 - Off-Street Loading and Unloading Requirements**

In all districts, except in the case of single-family and two (2) 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 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 (10) feet in width and twenty-five (25) feet in length and if a roofed space, not less than fourteen (14) feet in height.
  - 2. In any commercial or industrial district a loading/unloading space shall not be less than ten (10) feet in width and sixty-five (65) feet in length, and if a roofed space not less than fifteen (15) feet in height.
- C. Subject to the limitations 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 fifty (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 (6) feet in height.
- E. In the case of mixed uses, on one (1) 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 public road shall be prohibited.
- G. Off-street loading space and access drives shall be paved, drained in accordance with County Drain Commission standards, lighted and shall have appropriate bumper and wheel guards where needed and any light used for illumination shall be so arranged as to reflect the light away from the adjoining premises and streets.

H. 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 vehicles, the uses having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading/unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading/unloading space, the size of such loading/unloading space subject to the provisions of this Ordinance.

**SECTION 22.08 Barrier Free Parking**

Barrier free parking shall be included in the total number of required parking spaces and shall be provided in accordance with the requirements of the State of Michigan and the table below:

Total Parking Spaces Provided	Required Minimum number of Barrier Free Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2% of total
More than 1000	20 plus one for each 100 over 1,000

**ARTICLE 23**

**RESERVED**

**ARTICLE 24**

**RESERVED**

## ARTICLE 25

### SITE PLAN REVIEW

#### SECTION 25.01 - Purpose

The intent of this Section is to promote the public's health; safety and general welfare through the site plan review process. This goal is accomplished with cooperation and consultation between the Planning Commission and the land developer mutually working toward the best utilization of the land within Sheridan Township.

#### SECTION 25.02 - Objectives

In this Ordinance, there are numerous values to the public by approaching development carefully based on such criteria as follows:

- A. Protecting and preserving the appearance, character and values of the community.
- B. Encouraging a harmonious relationship of building and uses both within a site and in relation to adjacent uses.
- C. Requiring buffering between incompatible land uses.
- D. Establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets.
- E. Improving the appearance of off-street parking and other vehicular use areas.
- F. Regulating the appearance of property abutting public right-of-ways.
- G. Enjoying the benefits in conserving natural resources.
- H. Promoting soil water retention.
- I. Preventing soil erosion and soil depletion. Toward this end, this Ordinance requires site plan review by the Township Planning Commission and approval by the Township Planning Commission for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, on adjacent land usage, and on the character of future urban development.

### **SECTION 25.03 - Development Requiring Site Plan Review**

A site plan shall be required where a building permit and rezoning and/or conditional use permit is required for the erection or structural alterations of a building or dwelling, other than a single-family, two (2) family or mobile home residential dwelling or accessory structure, in the following districts:

- A. AA - Agricultural District conditional uses.
- B. RB - Medium Density Residential District conditional uses.
- C. CS - Community Service Commercial District.
- D. HS - Highway Service Commercial District.
- E. LI - Light Industrial District.
- F. HI - Heavy Industrial District.
- G. OC - Open Space Waterbody Conservation District.

### **SECTION 25.04 - Application Fee**

Any person may file a request for a site plan review by the Planning Commission by filing with the Township Clerk the completed application upon the forms provided by the Clerk and payment of a fee as established by resolution of the Township Board. As an integral part of said application, the applicant shall file at least four (4) copies of the site plan.

### **SECTION 25.05 - Submission and Content of the Site Plan**

- A. It shall have the date prepared, and the name and address of the preparer, if other than the applicant.
- B. It shall be a scale not greater than one (1) inch equals twenty (20) feet, nor smaller than one (1) inch equals two hundred (200) feet and of such accuracy that the Planning Commission can readily interpret the plan.
- C. It shall show an appropriate description, legend, north arrow, scale, etc.



- D. It shall identify subject Property by lot lines and location, correlated with the legal description of said Property.
- E. It shall show the topography, natural features such as wood lots, streams, rivers, lakes, drains and similar features.
- F. It shall show existing buildings, structures, within one hundred (100) feet of the site, indicating whether they will remain or be demolished, and shall identify the existing uses and zoning of the subject adjacent properties.
- G. The site plan shall show the proposed finished floor and grade line elevations and the height of all buildings and structures.
- H. The site plan shall show the proposed streets, driveways, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and the identification of service lanes, service parking and loading zones.
- I. The site plan shall show the proposed location, use and size of open spaces and the location of any landscaping, fences or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated.
- J. The site plan shall show the location and size of all existing utilities (public and private) serving the property as well as the location and size of all proposed utilities to serve the property. It shall be determined that all necessary utilities (public and private) will be available, functioning and usable at the time any stage of the project or the total project is ready for occupancy.
- K. The Planning Commission may require, in addition to a site plan, statements which address the environmental, economic, fiscal or social impact of a development's impact upon the systems or services of the community. It may also require the site plan be designed and prepared by a qualified land planner, registered professional architect, engineer or land surveyor. Such plan shall further include the name(s) and address of the property owner(s), developer(s) and designer(s).
- L. Provide information and address standards found in Section 14.21 Groundwater and Wellhead Protection Standards.

#### **SECTION 25.06 - Review and Approval of Site Plans**

- A. Members of the Township Site Plan Committee shall transmit the site plan to the Chairman of the Township Planning Commission.

- B. The applicant will receive a written notice stating the date time and place where the site plans will be reviewed.
- C. The Township Planning Commission shall issue approval or disapproval of the site plans after review and recommendations. All provisions of applicable Ordinances must be met and also any special conditions or requirements imposed by the Township Planning Commission must be incorporated into the plan before the issuance of a building permit.
- D. When impact statements are required by the Township Planning Commission, such statements shall be forwarded to the Township Board for its review and comment. The Township Board may impose any such additional requirements related to the impact statements presented. The Township Planning Commission shall not approve any such site plan until the Township Board has reviewed any required impact statement and considered the composition of additional requirements as provided above.

#### **SECTION 25.07 – Administrative Site Plan Review**

The Township Site Plan Committee may review a site plan administratively, without submission to the Planning Commission, subject to all of the criteria, requirements and standards set forth in this article and the following standards:

- A. The Site Plan Committee may review and consider for approval, conditional approval or denial of an administrative site plan without submission to the Planning Commission in the following cases:
  - 1. Expansion or reduction to an existing conforming structure or use of 2,000 square feet or less or ten percent of the floor area of the structure, whichever is less.
  - 2. Provision for additional parking, loading/unloading spaces and landscape improvements as required by ordinance.

The Township Zoning Administrator shall have the authority to determine if a site plan may be reviewed administratively based on the standards of this section.

- B. A site plan shall not be reviewed administratively, by the Site Plan Committee, under any of the following circumstances:

1. When a conditional use permit is required for the subject use, or when it is necessary to change, expand or modify an existing conditional use permit.
  2. When a variance is required for the development.
  3. When an environmental impact assessment is required pursuant to Section 14.20, Environmental Impact Statement and/or Section 14.21, Groundwater and Wellhead Protection Standards.
  4. When the site plan is located in the Michigan Avenue Corridor Overlay District as regulated by Article 18, Michigan Avenue Corridor Overlay District.
  5. Delinquent taxes are due on the subject property.
  6. When the site plan does not meet the criteria of Section 25.07, A. above, the site plan must then be reviewed by the Planning Commission.
- C. The Site Plan Committee is authorized to employ the township planner, township engineer or other experts to assist in the review of site plans submitted under this section.
- D. Fees shall be in accordance with Section 25.04, Application Fee and Section 26.09, Fees, Charges and Expenses.
- E. At the direction of the Site Plan Committee, any information required in Section 25.05, Submission and Content of the Site Plan may be required for administrative site plan approval. However, at a minimum, submissions of a site plan shall include the following information:
1. Proprietors', applicants', and owners' names, addresses and telephone numbers.
  2. Date (month, day, year), including revisions.
  3. Title block and scale.
  4. North point.
  5. Proposed and existing structures, utilities, parking areas, etc. on the parcel, and within 100 feet of the parcel.

- F. The Site Plan Committee shall consider the criteria set forth in Article 25 in the review of the site plans submitted under this section.
- G. Within fourteen (14) business days of receipt of a complete application for administrative site plan approval to the Township, the Site Plan Committee shall review and consider for approval, conditional approval or denial of the subject administrative site plan. The decision of the Site Plan Committee along with any conditions, etc. shall be provided to the applicant via first-class mail and presented to the Township Planning Commission at their next available meeting.
- H. The Site Plan Committee shall consist of those individuals listed in Section 25.12, Site Plan Committee.

#### **SECTION 25.08 - Development Requirements**

All site plans shall be consistent with the development standards as specified in this Ordinance.

#### **SECTION 25.09 - 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. Approval of the site plan shall be valid for a period of one (1) year. No time extension to a site plan approval will be granted.

If a building permit has not been obtained and the on-site development actually begun within one (1) 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.

#### **SECTION 25.10 - Amendment of Site Plan**

A proposed amendment of modification to a previously approved site plan shall be submitted for review in accordance with the procedures of this Section and may be approved by the Planning Commission subject to its conformance with all applicable requirements of this Ordinance.

#### **SECTION 25.11 - Enforcement of Site Plans**

The Township Building Inspector shall be responsible for the enforcement of all provisions of approved site plans.

## **SECTION 25.12 - Site Plan Committee**

The Site Plan Committee shall consist of:

- A. The Township Zoning Administrator or Deputy.
- B. The Township Building Inspector or designated alternate.
- C. The municipality's Fire Chief or Fire Department Officer.

## ARTICLE 26

### ADMINISTRATION AND ENFORCEMENT

#### SECTION 26.01 - Purpose

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

#### SECTION 26.02 - Administration

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.

In the absence of the Zoning Administrator, the Township Clerk or other Township official as designated by the Township Board, shall assume all the powers and duties of the Zoning Administrator.

#### SECTION 26.03 - Duties of the Zoning Administrator

- A. Review all applications for building permits and/or use of occupancy permits and approve or disapprove such applications based on compliance with the provisions of this Ordinance and other codes and ordinances adopted by the Township Board and approve issuance of the permit if the use and the requirements of this Ordinance and other laws are fulfilled.
- B. Receives all applications for conditional use permits; conduct field inspections, surveys and investigations, prepare maps, charts and other pictorial material when necessary or desirable, and otherwise process applications so as to formulate recommendations; and notify the applicant, 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 material when necessary or desirable, and otherwise process applications so as to formulate recommendations 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 material when necessary or desirable, and 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 keeping it current.
- F. Prepare and submit to the Township Board and Planning Commission, a written record of all zoning 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 zoning permits issued.

#### **SECTION 26.04 - Duties of the Permit Coordinator**

The Permit Coordinator shall be responsible for providing forms necessary for the various applications to the inspectors, such as but not limited to, Building Inspector, 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.

The Permit Coordinator shall receive and maintain written records of actions taken by all inspectors.

#### **SECTION 26.05 - 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 Act 230 of the Public Acts of 1972, as amended, named the "State Construction Code" and the Building Inspector shall have and perform duties as herein set forth.

- A. Maintain written records of all actions taken by the Building Inspector.

- B. When appropriate, the Building Inspector will issue an occupancy permit.

### **SECTION 26.06 – Building Permits**

A building permit is required for and shall be obtained from the Building Inspector prior to the construction, enlargement, alteration, and 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. Repairs of a minor nature such as painting and general maintenance and upkeep which do not change the use, occupancy, area, structural strength, fire hazard, fire protection, exits, light and ventilation of a building or structure.

### **SECTION 26.07 - Application for a Building Permit**

Application for a building permit and/or occupancy permit shall be made in writing upon a blank form furnished by the Zoning Administrator and 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 (1) 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 the structure.
- 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, if applicable.



- H. The proposed design and construction standards of parking spaces, if applicable.
- I. The number of loading and unloading spaces provided, if applicable.
- J. Any information deemed necessary by the Zoning Administrator to determine compliance with and provide for the enforcement of this Ordinance.
- K. Certified permit from the county Health Department stating that the proposed on-site water and sewer system is in conformance with the County Sanitary Code.
- L. A conditional use permit issued by the Township Board, if required by this Ordinance.
- M. All other licenses and permits required by law for the construction, enlargement, alteration, conversion or moving of the building or structure for which a building permit is being applied under this Ordinance.

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.

Any building permit granted under this Section shall be null and void unless the development proposed shall have its first inspection within one hundred eighty (180) days from the date of the granting of the permit and otherwise the life of the building permit shall be covered by the provisions of the "State Construction Code" being Act 230 of the Public Acts of 1972, as amended. The Building Inspector shall make every effort to notify the holder of a permit that he is liable for voiding action before voidance is actually declared. The Building Inspector may suspend or revoke a permit issued in error on a basis of incorrect information supplied by the applicant or his agent or in violation of any of the ordinances or regulations of the Township.

### **SECTION 26.08 - Occupancy Permit**

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 an occupancy permit shall have 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 State Construction Code (Act 230) 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 of 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 at the time of inspection. Should the Building Inspector determine that the use, building or structure is not in compliance with the application of 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 and request for re-inspection and re-inspection 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 fixed 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 inspection 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 an occupancy permit therefore.

### **SECTION 26.09 - 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 Zoning Administrator, 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 26.10 - 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 26.11 - Violations and Penalties**

- A. Violation. Any person who violates, disobeys, neglects, or refuses to comply with any provisions of this Ordinance, any administrative decision made under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.
  
- B. Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	<b>Minimum Fine</b>	<b>Maximum Fine</b>
-1 <sup>st</sup> Offense	\$ 75.00	\$500.00
-2 <sup>nd</sup> Offense	\$150.00	\$500.00
-3 <sup>rd</sup> Offense	\$325.00	\$500.00
-4 <sup>th</sup> Offense	\$500.00	\$500.00

Additionally, the violator shall pay costs, which may include all expenses, direct and indirect, which Sheridan Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

- C. Remedial Action. Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.

#### **SECTION 26.12 - Enforcement**

The Sheridan Township Zoning Administrator, the Sheridan Township Ordinance Enforcement Officer and any other individual Township officials that may from time to time be designated by the Township Board shall administer this Ordinance and are hereby authorized and empowered to investigate violations and to issue notices of violation and citations for violations of the same.

#### **SECTION 26.13 - Compliance Bond**

In authorizing any variance, the erection of any sign, the issuance of any permit, except a conditional use permit (see Section 15.08), the Township Board or the Township Board of Appeals, as the case may be, may require a bond suitable and adequate to be furnished in favor of the Township to insure compliance with the requirements, specifications, conditions, regulations and provisions of the variance or permit as the case may be.

## ARTICLE 27

### ZONING BOARD OF APPEALS

#### **SECTION 27.01 - Board of Appeals Established**

There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers as provided by Act 110 of the Public Acts of 2006, as amended, in such a way that the objectives of this Ordinance shall be enforced, the public health and safety secured and substantial justice done.

#### **SECTION 27.02 - Membership, Terms of Office**

The Board of Appeals shall consist of four (4) members. The first member of such Board of Appeals shall be a member of the Township Planning Commission, for the term of his office; the second member shall be a member of the Township Board, appointed by the Township Board for the term of his office; and the remaining two (2) members residing in the unincorporated areas of the Township for a term of three (3) years, provided that no elected officer of the Township nor any employee of the Township Board, may serve simultaneously as the third and fourth members of or as an employee of the Township Board of Appeals. The member from the Township Planning Commission shall act as chairman of the Township Board of Appeals.

The legislative body may appoint not more than two (2) alternative members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

### **SECTION 27.03 - Rules of Procedure, Majority Vote**

The Board shall adopt its own rules of procedure as may be necessary to properly conduct its business. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the administrative official or to decide in favor of the applicant any matters upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance. The chairman of said Board shall not be a voting member except in the case of a tie vote.

### **SECTION 27.04 - Meetings**

Meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board in its rules or procedures may specify.

### **SECTION 27.05 - Public Meetings and Minutes**

All meetings of the Board of Appeals shall be open to the public. Minutes shall be recorded of all proceedings, which shall contain evidence and data relevant to every case considered together with vote and signature of each member and the final disposition of each case. The grounds of every determination shall be stated in writing with reference to such determination for which the appeal is taken. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall be filed in the office of the Township Clerk and shall be sent promptly to the applicant or appellant and to the Zoning Administrator. The Township Clerk may act as secretary to the Zoning Board of Appeals. The Township Attorney shall act as legal counsel for the Board and shall be present at all meetings upon the request of the Board. Other knowledgeable persons may also be utilized in an advisory capacity.

### **SECTION 27.06 - Powers and Duties**

- A. General – The Board of Appeals shall have powers to interpret the provisions of this Ordinance, to grant variances from the strict application of any provisions of this Ordinance.
- B. Limitation of Authority – The Board of Appeals shall not have the power to alter or change zoning district boundaries, (except where uncertainty exists as to the location of a boundary) land use classifications of any property, or Zoning Ordinance text. Further, the Sheridan Township Zoning Board of Appeals shall

have no power or authority to grant use variances.

## **SECTION 27.07 - Variance**

A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:

- A. A written application for a variance is submitted, demonstrating:
  - 1. A practical difficulty including special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
  - 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of right commonly enjoyed by other properties in the same district under the terms of this Ordinance.
  - 3. That granted the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district.
  - 4. That nonconforming use of neighborhood lands, structures or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
- B. The Board of Appeals shall make findings that the requirements of the Ordinance have been met by the applicant for a variance.
- C. The Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- D. The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- E. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the

variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 26.11 of this Ordinance.

### **SECTION 27.08 - Voiding of and Reapplication for a Variance**

The following provisions shall apply:

- A. Each variance granted under the provisions of this Ordinance shall become null and void unless the construction authorized by such variance or permit has been commenced within one hundred eighty (180) days after the granting of such variance and pursued diligently to completion.
- B. No application for a variance, which has been denied wholly or in part by the Board of Appeals, shall be resubmitted for a period of three hundred sixty-five (365) days from such proof of changed conditions found by the Board of Appeals to be valid.

### **SECTION 27.09 - Procedure for Appealing to the Board of Appeals**

The following provisions shall apply:

- A. Appeals, How Taken: Appeals from the ruling of the Township Zoning Administrator may be made to the Board of Appeals in the following manner:
  - 1. The person, firm or agent thereof making the appeal shall file in writing to the Zoning Administrator, a letter stating what the specific appeal is and the reasons for said appeal.
  - 2. The Zoning Administrator submits the written appeal, along with all papers, constituting the record from which the action appealed was taken, to the Zoning Board of Appeals.
- B. Who-May Appeal: Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board, agency or bureau of the Township, County or State.
- C. Fee for Appeal: A fee prescribed by the Township Board shall be submitted to the Zoning Administrator at the time of filing the letter of appeals. The appeals fee shall immediately be placed in the Township General Fund.



- D. Effect of Appeal: Restraining Order - An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Township Board of Appeals, after the notice of appeals 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.
- E. Upon receipt of a written request seeking a variance interpretation of the zoning ordinance, or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the variance, etc. not less than fifteen (15) days before the public hearing. In addition, if the request for a variance interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question and to the occupants of all structures within three hundred (300) feet of the boundary of the property in question and to the occupants of all structures within three hundred (300) feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.
- F. Representation at Hearing: Upon the hearing, any party or parties may appear in person or by agent or by attorney.
- G. Decisions of the Board of Appeals and Appeals to the Circuit Court: The Board of Appeals shall decide upon all appeals within a reasonable time and reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken. The Board of Appeals' decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case and the signatures of each member of the Board of Appeals affixed thereon. Any party aggrieved by such resolution shall have the right to appeal to the Circuit Court on questions of law and fact.

## **SECTION 27.10 - Removal from Office**

A member of the Zoning Board of Appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

## ARTICLE 28

### AMENDMENT PROCEDURE

#### SECTION 28.01 - Initiating Amendments and Fees

The Township Board may from time to time, on recommendation from the Planning Commission, amend, modify, supplement or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare 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 petitioners requesting an amendment shall at the time of application, pay the fee in accordance with the requirements specified in Section 26.09, no part of which shall be returnable to the petitioner.

#### SECTION 28.02 - Amendment Procedure

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

- A. Each petition for amendment initiated by one (1) or more owners of property shall be submitted to the Township Board who shall refer it for recommendation to the Planning Commission.
- B. Publication.
  1. The Township shall publish notice of the amendment request in a newspaper of general circulation within the Township not less than fifteen (15) days before the date the application will be considered.
  2. Notice shall also be sent by mail or personal delivery to owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
  3. The notice shall be given not less than fifteen (15) days before the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification

under this subsection. The notice shall do all of the following:

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

C. The following procedures shall apply regarding number of properties to be rezoned:

1. If an individual property of ten (10) or fewer adjacent properties is proposed for rezoning, the Planning Commission shall give a notice of the proposed rezoning in the same manner as required under Section 28.02.B.2.
2. If eleven (11) or more adjacent properties are proposed for rezoning, the Planning Commission shall give a notice of the proposed rezoning in the same manner as required under Section 28.02.B. except that no individual addresses of properties are required to be listed as under Section 28.02.B.2.

D. Upon completion of the public hearings provided above, the proposed amendment or supplement shall be submitted to the Calhoun County Metropolitan Planning Commission for review and recommendation. The petition shall then be returned to the Township Board by the Calhoun County Metropolitan Planning Commission for action in accordance with Section 10, Public Act 110 of 2006, as amended.

E. After receiving the proposed amendment, the Township Board may adopt the amendment with or without changes in accordance with the provisions and procedures of Public Act 110 of 2006, as amended.

F. All provisions of this article shall be subject to the provisions of the Township Rural Zoning Act, as the same may be from time to time amended, which Act is incorporated herein by reference.

### **SECTION 28.03 - Conformance to Court Decree**

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

## SECTION 29

### SCHEDULE OF AREA, HEIGHT, WIDTH, AND SETBACK REGULATIONS

#### Section 29.01 - Schedule of Area, Height, Width, and Setback Regulations

Zoning District	Minimum Lot Size		Maximum Building Height		Minimum Yard Setbacks					Min. Living Area	Max. Lot Coverage	Note Requirement
	Area (sq ft) (Acres)	Lot width in feet	Stories	Feet	Front	Side	Combined Side	Corner Side	Rear			
AA, Agricultural	1 ac.	200	•	•	50	25	•	25	50	720	15%	1
RB, Medium Density Residential (with public water and sewer)	10,000 sq. ft.	100	2 1/2	35	30	10	25	30	35	720	30%	2,4,5
RB, Medium Density Residential (without public water and sewer)	15,000 sq. ft.	120	2 1/2	35	30	10	25	30	35	720	30%	3,4,5
MF, Multiple Family Residential	•	300	•	35	35	20	•	35	35	•	35%	6,7,8,9,10, and 11
HS, Highway Service Commercial	30,000 sq. ft.	150	•	25	40	25	•	25	30	•	25%	12
CS, Community Service Comm. (with public water and sewer)	10,000 sq. ft.	80	•	45	35	20	•	35	20	•	25%	
CS, Community Service Comm. (without public water and sewer)	1 ac.	150	•	45	35	20	•	35	20	•	25%	
LI, Light Industrial (with public water and sewer)	1 ac.	80	•	45	85	20	•	35	35	•	25%	
LI, Light Industrial (without public water and sewer)	1 ac.	200	•	45	85	20	•	35	35	•	25%	
HI, Heavy Industrial	5 ac.	330	•	45	85	50	•	60	50	•	60%	
OC, Open Space Waterbody Conservation	5 ac.	300	3	40	60	50	50	60	50	•	10%	
MHP, Mobile Home Park	15 ac.	•	•	•	50	10	•	•	10	•	•	13

**Section 29.02**  
**Sheridan Township**  
**Note Requirements to Schedule of Regulations**

1. See Section 4.04.E.1. for additional front yard setback restrictions.
2. Each two (2) family dwelling shall be required to provide a minimum area of 15,000 sq. ft.
3. Each two (2) family dwelling shall be required to provide a minimum area of 30,000 sq. ft.
4. The minimum lot area for all other buildings shall be two (2) acres.
5. Detached accessory structures shall not exceed a height of twenty-five (25) feet.
6. See Section 6.04 for minimum lot areas.
7. See Section 6.07.A. for additional front yard setback restrictions.
8. In addition to any required side yard no building shall be located less than forty (40) feet from the boundary that abuts a Medium Density Residential District.
9. Accessory buildings within the MF District shall not exceed fifteen (15) feet in height.
10. See Section 6.09 for minimum interior living space requirements.
11. For multi-family or two (2) family dwellings not served by public sewer service see Section 6.10 for additional requirements
12. No building or structure shall exceed twenty-five (25) feet in height, unless each required yard (front, side, and rear) is increased one (1) foot for each additional one (1) foot in height above twenty-five (25) feet.
13. See Section 13.03.C. for minimum mobile home lot sizes.