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GENERAL PROVISIONS

§ 155.001 TITLE.

This chapter shall be known and may be cited as the Silver Creek Township Zoning Chapter.

(Ord. passed 7-30-2015)

§ 155.002 PURPOSE.

(A) This chapter is based upon the Silver Creek Township Master Plan and is designed to promote the public health, safety, and general welfare; to encourage the use of land and bodies of water in accordance with its character and adaptability and protect land and bodies of water from improper use; to conserve natural resources and energy to meet the needs of the state's citizens for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to ensure that uses of land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on waterways and public roads and streets; to reduce hazards to life and property; to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements; and to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources, and properties.

(B) This chapter is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development.

(Ord. passed 7-30-2015; amended 8- -2015)

§ 155.003 SCOPE.

(A) This chapter shall not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances, or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed, or other private agreement, or with restrictive covenants running with the land to which the township is a party.

(B) Where this chapter imposes greater restrictions, limitations, or requirements upon the use of buildings, structures, or land; the height of buildings or structures; lot coverage, lot areas, yards, or other open spaces; or any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this chapter shall control.

(C) Except as herein specified, no building, structure, lot, or premises shall be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the district in which it is located.

(Ord. passed 7-30-2015)

§ 155.004 LEGAL BASIS.

The continued administration of this chapter, amendments to this chapter, and all other matters concerning operation of this chapter shall be done pursuant to Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 et seq., as amended, herein referred to as the Michigan Zoning Enabling Act.

(Ord. 09-11, passed 11-11-2009; Ord. passed 7-30-2015)

§ 155.005 RULES OF CONSTRUCTION.

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

(A) The particular shall control the general.

(B) In the case of any difference in meaning or implication between the text of this chapter and any caption or illustration, the text shall control.

(C) The word **SHALL** is always mandatory and not discretionary. The word **MAY** is permissive.

(D) Words used in the present tense shall include the future and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(E) A building or structure includes any part thereof.

(F) The word **PERSON** includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

(G) Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.

(1) **AND** indicates that all connected items, conditions, provisions, or events shall apply.

(2) **OR** indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.

(3) **EITHER OR** indicates that the connected items, conditions, provisions, or events shall apply singularly but not in combination.

(H) Terms not herein defined shall have the meaning customarily assigned to them.

(Ord. passed 7-30-2015)

§ 155.006 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY BUILDING. A subordinate building on the same premises with a main building, or portion of a main building, and occupied or devoted to an accessory use; for example, a private garage.

ACCESSORY USE or ACCESSORY. A use of a zoning lot which is clearly incidental to the principal use of the lot and customarily found in connection with the principal use. When **ACCESSORY** is used in this text, it shall have the same meaning as **ACCESSORY USE**.

ADJACENT GRADE. Adjacent grade shall be construed as the average grade measured at a point three feet on each side of the fence. In the case of a fence on a retaining wall, adjacent grade shall be the grade of the top of the wall.

ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE. A commercial establishment that, as one of its business purposes or services, offers for sale or rental for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals, or other printed and/or electronic or digital matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations or media which depict or describe specified sexual activities or specified anatomical areas; or
- (2) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

ADULT CABARET. A nightclub, bar, restaurant, lounge, or similar commercial establishment that regularly features:

- (1) Persons who appear in a state of nudity;
- (2) Live performances that are characterized by the exposure of specified sexual activities or specified anatomical areas; or
- (3) Films, motion pictures, video cassettes, slides, electronic, digital, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTION PICTURE THEATER. A commercial establishment which, for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

AGRICULTURE. The cultivation, tilling, or use of soil for the purpose of growing or storing crops thereon or use of land for the purpose of animal or poultry husbandry, including the preparation and marketing of agricultural products for commercial purposes. All reasonable dust, spray drift, water drift, noise, odors, and other conditions normally association with the foregoing agricultural uses are considered a part of the **AGRICULTURE** and are permitted.

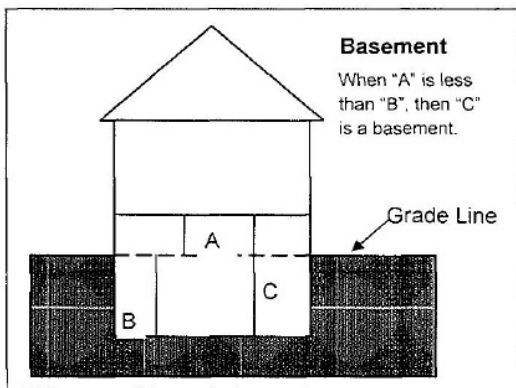
ALTERATIONS. Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams, or girders, any substantial change in the roof, or an addition to or diminution of a structure or building.

ANIMAL UNIT. A unit of measurement used to compare relative differences in the odor producing characteristics of animal wastes with the following equivalencies applicable to various animals (see chart).

| <i>Animal</i> | <i>Unit</i> |
|---------------|---|
| Cattle | 1.0 |
| Fowl | 0.10 |
| Horses | 1.0 |
| Other animals | As determined by the Zoning Administrator |
| Sheep | 0.5 |
| Swine | 1.0 |

AVERAGE GRADE-DEFINED GRADE. The average finished ground elevation at the center of all walls of a building 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 entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

BASEMENT. That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A **BASEMENT** shall not be counted as a story.



BEACHED or BEACHING. Placing or securing a watercraft on or adjacent to the shore of a separate frontage.

BED AND BREAKFAST ESTABLISHMENT. A house, or portion thereof, where short-term lodging rooms and meals are provided as a commercial operation.

BERM. A mound of earth graded, shaped, and improved with landscaping in such a fashion as to be used for visual or audible screening purposes.

BOAT LIFT, BOAT CRADLE, BOAT STORAGE DEVICE. A device for the purpose of mooring, anchoring, or holding a watercraft in, on, or above the water.

BODY SHOPS. Any building, premises, or land in which or upon which the primary use is the servicing, repair, or painting of motor vehicles.

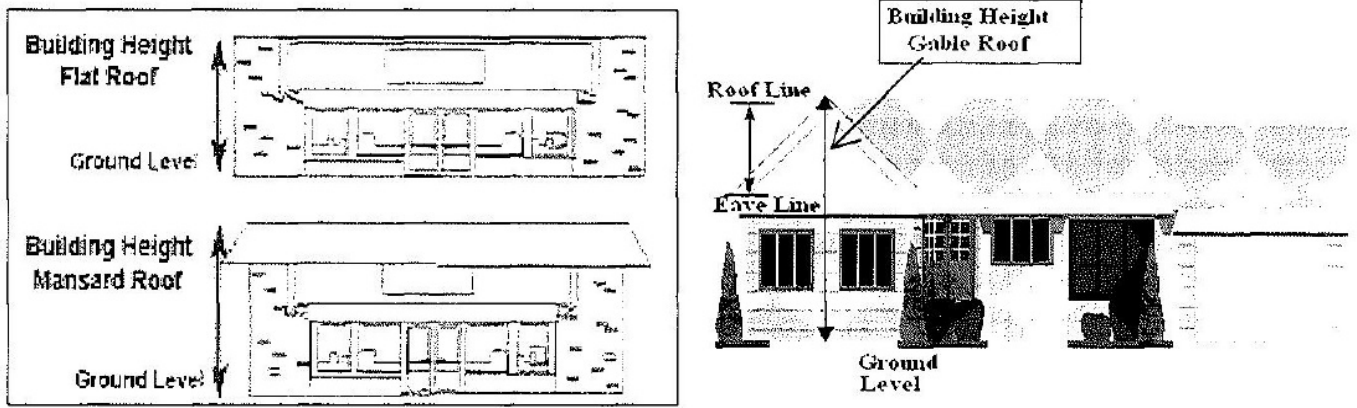
BOTTOM LAND. The land area of an inland lake or stream that lies below the ordinary high-water mark and that may or may not be covered with water.

BUFFER STRIP. A strip of land required between certain districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier.

BUILDING. A structure erected on site, pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support, or enclosure of persons, animals, or property of any kind.

BUILDING CODE. The code or codes governing the erection and maintenance of buildings as currently adopted by Silver Creek Township.

BUILDING HEIGHT. The vertical distance measured from the established grade at ground to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. On a structure having a flat roof, the parapet, if provided, may exceed the maximum building height by three feet. Where a building is located on sloping terrain, the height shall be measured from the average ground level of the grade at the building wall.



BUILDING INSPECTOR. The person designated by the Township Board to administer the provisions of the adopted Building Codes for Silver Creek Township

BUILDING LINE. The outline formed by the outermost horizontal extents of the building, including eaves, cornices, bay windows, gutters, chimneys, pilasters, and similar features, except as described in § 155.025.

CERTIFICATE OF OCCUPANCY. A document signed by an authorized township official as a condition precedent to the commencement of a use of a structure or building which acknowledges that such use, structure, or building complies with the provisions of the Michigan Building, Electrical, Plumbing, and Mechanical Codes and all final inspections have been approved.

CERTIFICATE OF ZONING COMPLIANCE. A document signed by an authorized township official, after an inspection has been made, stating that all provisions of this chapter have been adhered to at the completion of permitted work.

CHILD CARE CENTER.

(1) A facility, other than a private residence, licensed by the Michigan Department of Social Services, in which one or more children are given care and supervision for periods of less than 24 hours per day, and where a parent or legal guardian is not immediately available to the child. **CHILD CARE CENTER** includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day.

(2) **CHILD CARE CENTER** does not include a Sunday School, a Vacation Bible School, or a religious class that is conducted by a religious organization where children are in attendance for not greater than four hours per day for an indefinite period, or not greater than eight hours per day for a period not to exceed four weeks during a 12-month period, or a facility operated by a religious organization where children are cared for not greater than four hours while persons responsible for the children are attending religious classes or services.

COMMERCIAL STORAGE WAREHOUSE. A building or buildings used primarily as a commercial business for the storage of goods and materials.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES. Licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public, but are not considered an essential public service.

CONVALESCENT or NURSING HOME. A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.

DAY CARE.

(1) **GROUP DAY CARE HOME.** A private residence in which the operator permanently resides as a member of the household, licensed by the Michigan Department of Social Services, in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. **GROUP DAY-CARE HOME** includes a home that gives care to unrelated minor children for more than four weeks during a calendar year.

(2) **FAMILY DAY CARE HOME.** A private residence in which the operator permanently resides as a member of the household, registered with the Michigan Department of Social Services, in which one but less than seven minor children are given care and supervision for periods of less than 24 hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. **FAMILY DAY-CARE HOME** includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

DISH ANTENNA or SATELLITE DISH ANTENNA. An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

DISTRICT. A zoning district as described in §155.075.

DOCK or PIER. A structure, platform, or fixture extending from the shore or bottomlands into a lake.

DOCKED or DOCKING. The anchoring, tethering, or mooring of a watercraft directly to a pier, structure, platform, pole, anchor, pier, or dock adjacent to a separate frontage; and also means the placement of a watercraft in an off-shore boat cradle or shore station, or the regular or overnight beaching of a watercraft or anchoring or tethering to the bottomlands of a lake adjacent to a separate frontage.

DRIVEWAY. An improved or unimproved path or road extending from a public or private road or right-of-way to a building, dwelling, or structure intended to provide ingress and egress primarily for the occupants and visitors thereto.

DRIVE-THROUGH FACILITIES. A business establishment so developed that its retail or service character provides a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle, either exclusively or in addition to service within a building or structure, or to provide self-service for patrons and food carry-out.

DWELLING, MULTIPLE-FAMILY. A dwelling, or a portion of a building, designed exclusively for occupancy by three or more families living independently of each other.

DWELLING, SINGLE-FAMILY. A detached dwelling designed exclusively for and occupied exclusively by one family.

DWELLING, TWO-FAMILY. A dwelling designed exclusively for occupancy by two families living independently of each other.

DWELLING UNIT. One room or suite of two or more rooms designed for use and occupancy by one family for living and sleeping purposes, with housekeeping facilities.

ERECTED. Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like.

ESSENTIAL PUBLIC SERVICES. The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission, distribution, collection, communication, supply, or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar equipment. The definition does not include buildings and storage yards necessary for the furnishing of adequate service by utilities or municipal departments for the general health, safety, or welfare, or commercial wireless telecommunication services.

EXCAVATION. Any breaking of ground, except common household gardening and ground care.

FAMILY.

(1) An individual or group of two or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants, who are domiciled together as a single housekeeping unit in a dwelling unit; or

(2) A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature; is for an anticipated limited duration of school term or during a period of rehabilitation or treatment; or is otherwise not intended to be of a permanent nature.

FARM.

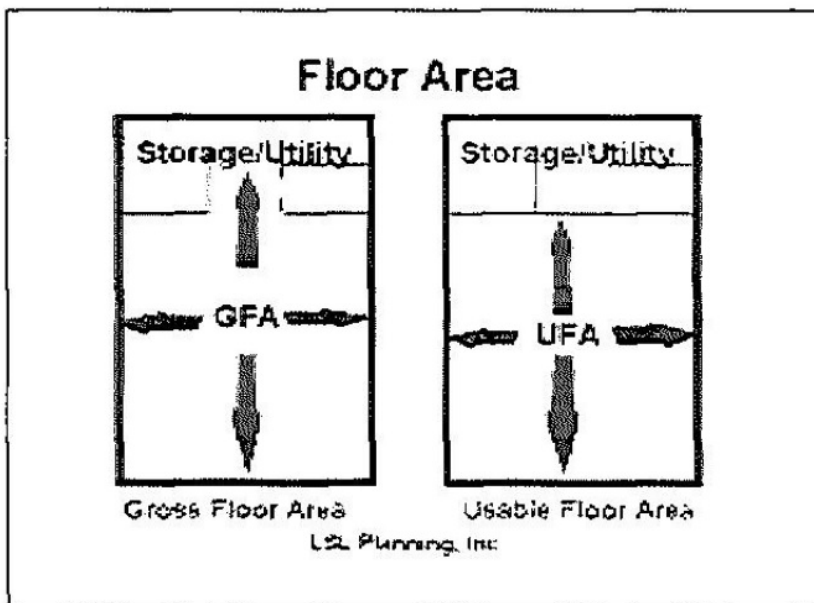
(1) Land directly farmed or used for commercial agriculture by the owner-operator, manager, or tenant farmer by his or her own labor or with assistance of members of his or her household or hired employees. A **FARM** can or cannot include a farm dwelling and accessory buildings necessary for the storage or housing of farm implements, products, or animals, or used for the operation of the farm. **FARMS** may include greenhouses, nurseries, orchards, plants, and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other agricultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur.

(2) Beginning June 1, 2000, it is the express legislative intent that this Act (Right to Farm Act, being M.C.L.A. §§ 286.471 through 286.474) preempts any local ordinance, regulation, or resolution that purports to extend or revise in any manner the provisions of this act or generally accepted agricultural and management practices developed under this Act. Except as otherwise provided in this section, a local unit of government shall not enact, maintain, or enforce an ordinance, regulation, or resolution that conflicts in any manner with this Act or generally accepted agricultural and management practices developed under this Act.

FARM MARKET. As described by Michigan Right to Farm Act, Public Act 93 of 1981, being M.C.L.A. §§ 286.471 through 286.474.

FENCE. A fixed structure or gate, constructed of standard fencing materials readily available on the retail market such as wood, vinyl, or metal that is erected as a dividing marker, barrier, or enclosure, encircling either wholly or any portion, of any area. No tarps, visquene, tires, or other junk is allowed.

FLOOR AREA, GROSS (GFA). The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls, but excluding porches, patios, terraces, breezeways, carports, verandas, garages, and basements.



FLOOR AREA, USABLE (UFA). 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. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities or sanitary facilities shall be excluded from the computation of **USABLE FLOOR AREA**. Measurement of **USABLE FLOOR AREA** shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

FOOD TRUCK. A licensed, self-contained vehicle (motorized or towable) which is temporarily permitted to park in a designated area of an established use in Special Land Use Permitted Zoning District within Silver Creek Township.

FOOD TRUCK PARK. A permitted area specifically designed to accommodate the temporary parking and operation of food trucks. The park shall include public restrooms and may include an outdoor seating area.

GRADE. The gradient, the rate of incline or decline expressed as a percent. For example, a rise of 25 feet in a horizontal distance of 100 feet would be expressed as a grade of 25%.

GREENBELT. A strip of land of definite width and location reserved for the planting of shrubs, trees, or grasses to serve as an obscuring screen or buffer strip in carrying out the requirements of this chapter.

GROUND LEVEL. The elevation of the natural ground. On built sites, or sites that are proposed for development, **GROUND LEVEL** is the average grade of the proposed finished ground.

GUEST. A person who is staying with an individual in his or her home or a person whom an individual has invited to a social occasion, such as a party or a meal.

HEIGHT. The average distance between the top element in the fence and the adjacent grade over a straight section of fence with no corners.

HOME BASED BUSINESS. A business or profession carried on by a member of the immediate family residing on the premises. **AHOME BUSINESS** is one in which no commodity is sold on the premises, except that incidental to the home based business; not more than one person is employed there other than a member of the immediate family residing on the premises; and no mechanical equipment is used, except such as is permissible for purely domestic or household purposes within the dwelling, a garage or accessory building. Beds and breakfasts or similar uses shall not be deemed to be **HOME BASED BUSINESSES**.

HOME OCCUPATION. An occupation or profession carried on by a member of the immediate family residing on the premises. **AHOME OCCUPATION** is one in which no commodity is sold on the premises; no person is employed there other than a member of the immediate family residing on the premises; and no mechanical equipment is used, except such as is permissible for purely domestic or household purposes, when engaged in by only residents entirely within the dwelling and not in a garage or accessory building or with the use of any non-residing employee. Tea rooms, veterinarian's offices, bed and breakfast establishments, animal hospitals, kennels, and other similar businesses or occupations shall not be deemed to be **HOME OCCUPATIONS**.

HOUSING FOR THE ELDERLY. A building or group of buildings containing dwellings where the occupancy of dwellings is restricted to persons 60 years of age or older, or couples where either the husband or wife is 60 years of age or older.

ICE CONTROL. An aerator, bubbler, circulation pump, or any other device, activity, or equipment used within a lake that affects the water's surface so as to prevent the normal formation of surface ice.

INOPERATIVE VEHICLE. A motor vehicle which can no longer propel itself.

INTENSIVE LIVESTOCK OPERATIONS. Any feedlot, piggery, or other livestock raising, breeding, or feeding facility involving more than 300 but less than 1,000 animal units, including any buildings, structures, or enclosed areas used for such activities, and any associated waste storage structures or areas.

JUNK. Any worn out, previously used, dilapidated, discarded materials including, but not necessarily limited to, scrap metal, inoperative motor vehicles and parts, construction material, household wastes, including garbage and discarded appliances, and yard debris.

JUNK YARD. An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. These materials include, but are 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 200 square feet for storage, keeping, or abandonment of junk, does include uses established entirely within enclosed buildings.

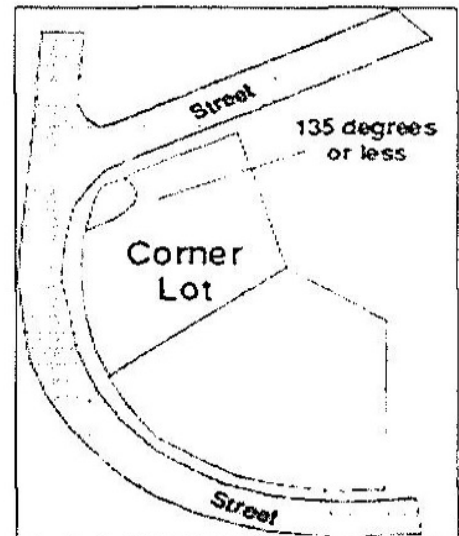
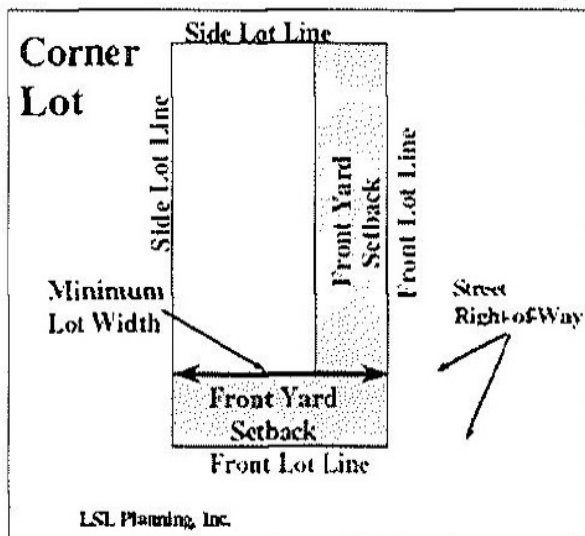
KENNEL, COMMERCIAL. Any lot or premise on which three or more dogs, cats, or other household pets, six months of age or older, are either permanently or temporarily boarded for commercial purposes. A **KENNEL** shall also include any lot or premises where household pets are bred or sold for commercial purposes.

LAKE. A navigable body of water, situated partially or wholly in the township borders.

LOADING SPACE. An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a vehicle while loading and unloading merchandise or materials.

LOT. A parcel, vacant land, occupied land, or land intended to be occupied by a building and accessory buildings, or utilized for the principal and accessory use(s) together with yards and open spaces required under the provisions of this chapter, either platted or unplatted. A **LOT** may or may not be specifically designated as such on public records. A **LOT** may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, being M.C.L.A. §§ 559.101 through 559.272, as amended, designed and intended for separate ownership and use.

(1) **LOT, CORNER.** Any lot having at least two contiguous sides abutting upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle or less than 135 degrees.



(2) **LOT, INTERIOR.** A lot other than a corner lot or through lot.

(3) **LOT, THROUGH.** Any interior lot having frontage on two parallel streets. In the case of a row of double frontage lots, all yards of lots adjacent to streets shall be considered frontage, and through yard setbacks shall be provided as required.

LOT AREA. The total horizontal area within the lot lines, excluding areas within streets or road right-of-way.

LOT COVERAGE. The part of the lot occupied by any building, including accessory buildings.

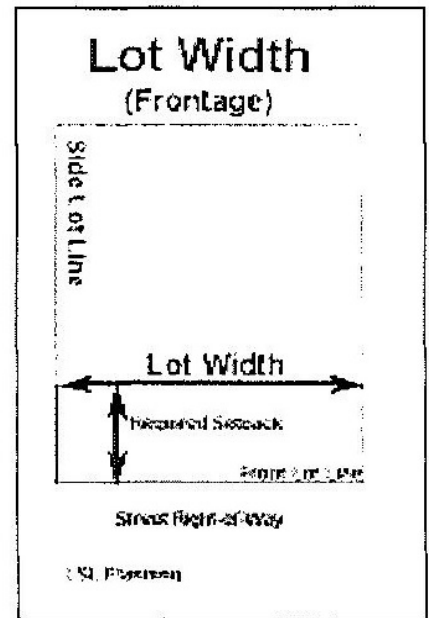
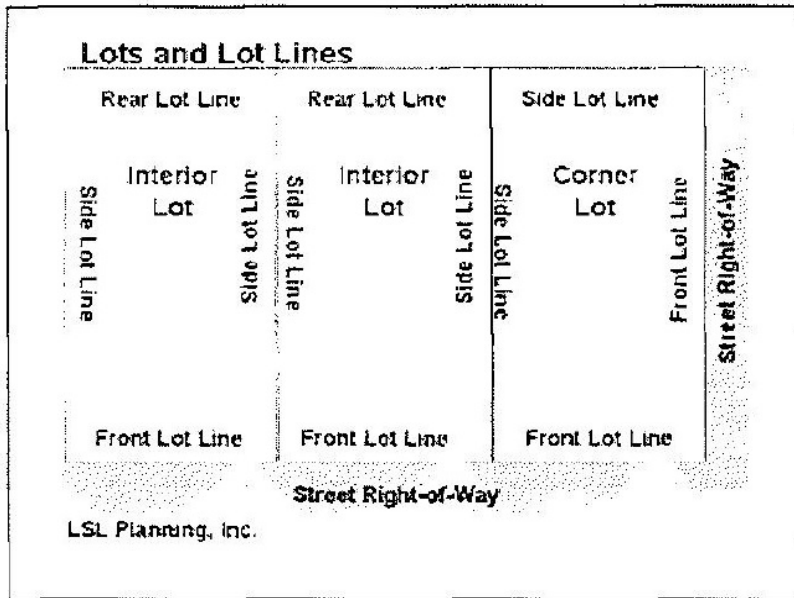
LOT DEPTH. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT LINES. The lines bounding a lot as defined herein.

(1) **FRONT LOT LINE.** On waterfront lots in the Waterfront District, the front lot line is the ordinary high water mark. In the case of an interior lot, the front lot line is the line separating the lot from the street. In the case of a through lot, the front lot line is that line separating the lot from either street.

(2) **REAR LOT LINE.** That lot line opposite the front lot line. In the case of a lot which is pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line and wholly within the lot.

(3) **SIDE LOT LINE.** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.



LOT OF RECORD. A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by township or county officials, which actually exists as shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

LOT WIDTH. The horizontal straight line distance between the side lot lines, measured between the two points where the required front yard setback line intersects the side lot lines.

MAIN BUILDING. A building in which is conducted the principal use of the lot upon which it is situated.

MANUFACTURED HOME. A transportable, factory-built home designed to be used as a year-round residential dwelling.

MANUFACTURED HOME PARK. A parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual non-recreational basis, offered to the public for that purpose regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park.

MARIHUANA. This term shall have the meaning given to it in the Michigan Public Health Code, Public Act 368 of 1978, being M.C.L.A. §§ 333.1101 et seq., as is referred to in § 3(d) of the Michigan Medical Marihuana Act, Public Act 2008, being M.C.L.A. § 333.26423(d).

MARIHUANA COLLECTIVE OR COOPERATIVE. Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed that is formed by a group or individuals in a group acting together as a collective enterprise or by an organization owned collectively by members who share in the benefits owned as a cooperative or in any way structured like a collective or a cooperative.

MARINA. A private or commercial boat basin with facilities for berthing and securing any type of recreational watercraft. **MARINAS** may also provide supplies, provisions and service, or fueling facilities. Waterfront establishments that offer watercraft for hire or rental shall be defined as **MARINAS**.

MASTER PLAN. The Master Plan currently adopted by Silver Creek Township, including graphic and written proposals, indicating the general location for streets, parks, schools, public buildings, and all physical development of the township, and includes any unit or part of such plan and any amendment to such plan.

MEDICAL USE OF MARIHUANA. The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, Public Act 2008, being M.C.L.A. § 333.26423(d).

MOORAGE. The anchoring, tethering, or mooring of a watercraft directly to a pier, structure, platform, pole, anchor, pier, or dock adjacent to a separate frontage; and also means the placement of a watercraft in an off-shore boat cradle or shore station, or the regular or overnight beaching of a watercraft or anchoring or tethering to the bottomlands of a lake adjacent to a separate frontage.

MOORING. A space for a single watercraft at or adjacent to a dock, in an offshore boat cradle or shore station, anchoring, or beaching location.

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

NONCONFORMING BUILDING. A building or portion thereof lawfully existing at the effective date of this chapter, or amendments thereto, and not conforming to the provisions of the district in which it is located.

NONCONFORMING LOT OF RECORD. A legally recorded lot that conformed with all zoning requirements at the time of recording of the lot, but which no longer conforms to the zoning regulations and requirements for lot area, lot width, or both.

NONCONFORMING USE. A use or activity which lawfully occupied a building or land at the effective date of this chapter, or amendments thereto, and which does not conform to the use regulations of the district in which it is located.

NON-RESIDENTIAL DISTRICT. The C and IND Districts.

OFF-STREET PARKING LOT. A facility providing parking spaces, along with adequate drives, maneuvering areas, and aisles, for the parking of more than three vehicles.

OPEN AIR BUSINESS. Retail sales establishments operated substantially in the open air, including:

- (1) Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sales, repair or rental services;
- (2) Outdoor display area and sale of garages, motor homes, recreation vehicles, manufactured homes, snowmobiles, swimming pools, and similar activities, but not including farm implements or commercial construction equipment;

(3) Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment, but not including lumberyards; and

(4) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement parks, or similar recreational uses (transient or permanent).

ORDINARY HIGH WATER MARK or SHORELINE. The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. Where the water levels vary for purposes of water level management, the **ORDINARY HIGH WATER MARK** shall be the higher of the levels generally present.

PARCEL. A tract of land which can be legally described with certainty and is capable of being located by survey.

PARKING SPACE. An area of definite length and width, said area shall be exclusive of drives, aisles, or entrances giving access thereto, and fully accessible for the parking of permitted vehicles.

PERMANENT PIER (DOCK). A structure so installed on the lake bottomland and shoreline of such material and design that it is intended to withstand all weather conditions year round and not to be removed, in any part or completely, on any temporary basis.

PERSON. A human being, partnership, corporation, association (including a condominium association), and any other entity to which the law provides or imposes rights or responsibilities.

PERSONAL SERVICE ESTABLISHMENT. A commercial business conducting services that are performed primarily on the premises.

PERSONAL WATERCRAFT. A vessel that meets all of the following requirements:

- (1) Uses a motor-driven propeller or an internal combustion engine powering a water jet pump as its primary source of propulsion;
- (2) Is designed without an open load carrying area that would retain water; and
- (3) Is designed to be operated by one or more persons positioned on, rather than within, the confines of the hull.

PLANNED UNIT DEVELOPMENT. A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The **DEVELOPMENT** may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

PLANNING COMMISSION or COMMISSION. The Silver Creek Township Planning Commission.

PRIMARY CAREGIVER or CAREGIVER. A person as defined under M.C.L.A. § 333.26423(h) of the Michigan Medical Marihuana Act, and who has been issued and possesses a registry identification card under the Act.

PRIMARY ROAD. A county primary roadway, as designated in the Silver Creek Township Master Plan or by the Cass County Road Commission. For purposes of this chapter only, a state trunk line shall also be considered as a county primary.

PRINCIPAL USE. The primary use to which the premises is devoted.

PRIVATE ROAD.

(1) Any undedicated path, trail, or road which provides or is intended to provide the primary means of ingress and egress to two or more parcels or two or more main buildings, dwelling units, or structures, or combination thereof, whether created by a private right-of-way agreement, license joint ownership, easement, or prescription. Any and all extensions, additions, or branches of or to a private road shall be considered part of the primary private road which abuts the public road.

(2) A private road shall also include:

- (a) An access serving one parcel if that parcel does not have the requisite amount of frontage on a public road as required by this chapter;
- (b) Where two or more parcels or dwellings share or utilize a common access drive, even if each parcel has the required frontage on a public road; and
- (c) A private road shall also include a path, trail, or road which is privately built or maintained and which is located on a public right-of-way or easement.

PROTECTIVE MEASURES FENCE. A fence erected for the express purpose of protecting an enclosed area and the property therein, or a fence intended to deny access to a dangerous property or location.

PUBLIC UTILITY. A person, firm, corporation, municipal department, board, or commission duly authorized to furnish to the public under federal, state, or municipal regulations, gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

QUALIFYING PATIENT or PATIENT. A person as defined under the Michigan Medical Marihuana Act, being M.C.L.A. § 333.26423(i), and who has been issued and possesses a registry identification card under the Act.

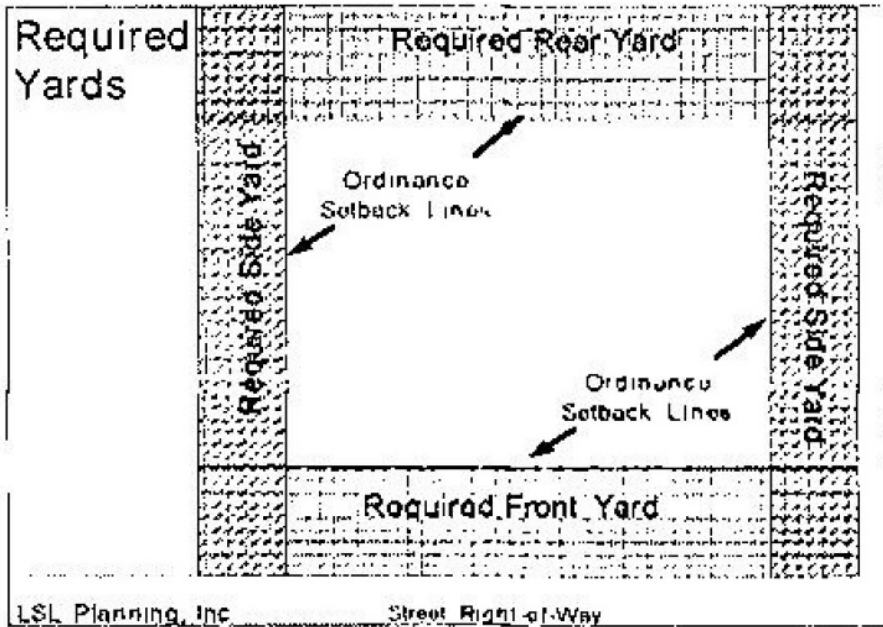
RECREATIONAL VEHICLE OR EQUIPMENT.

(1) Vehicles or equipment used primarily for recreational purposes. For the purpose of this chapter, recreational vehicle shall mean:

- (a) A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle, such as a motor home or camper;
- (b) Boats and trailers designed to transport boats;
- (c) Snowmobiles and trailers designed to transport snowmobiles;
- (d) Off-road vehicles and trailers designed to transport off-road vehicles;
- (e) Pop-up tent and camper trailers; and
- (f) Other similar vehicles deemed by the Zoning Administrator to be a recreational vehicle.

(2) This term shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for on-street use.

REQUIRED YARD. That set forth as the minimum yard requirement for each District.



RESIDENTIAL DISTRICT. The AR, WD, R-1, R-2, and MHP Districts, as described in this chapter.

RIGHT-OF-WAY. Public or private land, property, or interest therein, devoted to transportation or utility purposes and/or providing access to property.

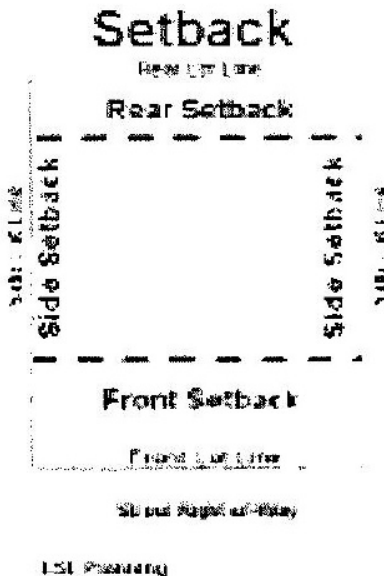
ROAD. See **STREET/ROAD**.

ROAD COMMISSION. The Cass County Road Commission.

SALVAGE YARD. An open space where waste, surplus, discarded, or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including house wrecking and structural steel materials and equipment and automobile wrecking.

SEPARATE FRONTAGE. That portion of a lot or parcel of land lawfully existing on documentation recorded with the Cass County Register of Deeds which abuts or intersects with the ordinary high water mark of a lake, whether such lot or parcel is owned by one or more persons, is commonly owned by several persons or combinations of persons, or occupied by a multiple-unit residential development.

SETBACK. The distance required to obtain minimum front, side, or rear yard open space provisions of this chapter.



SEXUALLY ORIENTED BUSINESS. An adult bookstore, video store, or novelty store, adult cabaret, adult motion picture theater, or a commercial enterprise that regularly features the sale, rental, or exhibition, for any form of consideration, of books, films, videos, DVDs, magazines, or other visual representation of live performances which are characterized by an emphasis on the exposure or display of specified sexual activities or specified anatomical areas.

SHORE STATION. A device for the purpose of mooring, anchoring, or holding a watercraft in, on, or above the water.

SIGN. A lettered board or other notice advertising an individual, firm, profession, business, or other thing and visible to the general public.

SIGNIFICANT NATURAL FEATURE. A natural area as designated by the Planning Commission, Township Board, or the Michigan Department of Natural Resources which exhibits unique cultural, topographic, ecological, hydrological, cultural, or historical characteristics such as a wetland, floodplain, water features, or other unique natural features.

SPECIFIED ANATOMICAL AREAS.

- (1) Less than completely and opaquely covered human genitals, pubic region, buttock, or anus; or female breast immediately below the top of the areola; or
- (2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES.

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse, or sodomy; or
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

STORAGE TANK. A stationary device located above or below the ground's surface designed to contain liquid, which is constructed of non-earthen materials, which provide structural support, with a capacity of 30 U.S. gallons or more.

STORY. That part of a building included between the surface of any floor above the average grade or ground at the foundation and the surface of the next floor, or if there is no floor above, then the ceiling next above.

STORY, HALF. An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet. For the purpose of this chapter, the usable floor area is only that area having at least five feet clear height between floor and ceiling.

STREET/ROAD. Any publicly dedicated right-of-way which affords traffic circulation and principal means of access to abutting property, other than an alley. Also, a private access easement which affords the principal means of access to abutting property.

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attachment to something on or in the ground.

TOWNSHIP. Silver Creek Township, Cass County.

TOWNSHIP BOARD. The Township Board of Silver Creek Township.

TRUCK TERMINAL. A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored.

TRUE CASH VALUE. The value placed on a property by the Township Assessor on the last tax day, being December 31 of each year, as kept in the records of the township.

VEGETATIVE STRIP. A strip of land at least 25 feet bordering each bank of a waterway as measured from the ordinary high water mark, whichever is furthest inland. Where required, a **VEGETATIVE STRIP** shall be maintained in its natural vegetative state, except for the clearing of dead or noxious plants.

VEHICLE SALES. An establishment engaged in retail or wholesale sales from the premises of motorized vehicles, along with incidental maintenance servicing. Typical uses include new and used automobiles or truck sales, boat sales, or recreational vehicle sales.

VEHICLE SERVICE STATION. Building and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and other similar motor vehicle accessories.

WASTE DUMPSTER. A container used for the temporary storage of rubbish and/or materials to be recycled pending collection, having capacity of at least one cubic yard.

WATERCRAFT. Every kind of boat, vessel, tug, tender, however propelled, and any boat, pontoon boat, hydrofoil, hovercraft, jet ski, personal watercraft, jet boat, or similar vessel having a propulsion system of more than six horsepower, marine construction or maintenance equipment, barge, research vessel, weed harvester or dredge, or sailboat over 12 feet in length, but does not include canoes, kayaks, paddle boats, rowboats (without an engine) or other human-powered craft or sailboards.

WATERWAY. Any natural or artificial lake, pond or impoundment, river, stream, creek, or any other body of water which has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water.

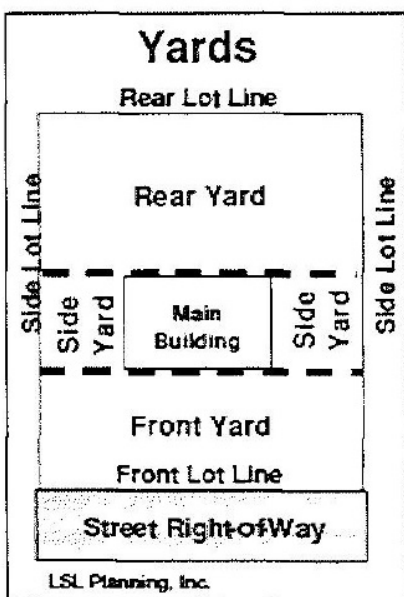
WATER FRONTAGE. A parcel of land's measurement along the water's edge at the ordinary high water mark. If more than one high water mark has been set by a state agency or court of jurisdiction for seasonal or other reasons, then the higher elevation shall be used for determinations in this chapter. The measurement shall be made only along a natural shoreline and shall not include any human-made channel, lagoon, canal, or the like.

YARDS. The open spaces on the same lot with a main building that are unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter, and as defined herein.

(1) **FRONT YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the building line of the main building. On waterfront lots in the Waterfront District, the front yard is upland from the ordinary high water mark.

(2) **REAR YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the building line of the main building.

(3) **SIDE YARD.** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the building line of the main building.



ZONING ACT. The Michigan Zoning Enabling Act. (Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 et seq.).

ZONING ADMINISTRATOR. The person designated by the Township Board to administer the provisions of this chapter.

ZONING BOARD OF APPEALS. The Zoning Board of Appeals of Silver Creek Township.

(Ord. 09-11, passed 11-11-2009; Ord. 11-03, passed 5-11-2011; Ord. passed 7-30-2015; amended 4- -2013; amended 8- -2015; Ord. 16-04, passed 11-9-2016; Ord. 17-04, passed 5-10-2017; Ord. 17-06, passed 9-13-2017; Ord. 18-02, passed 8-8-2018; Ord. 20-26, passed 12-9-2020)

§ 155.007 EFFECTIVE DATE.

This chapter shall take effect 30 days after the publication date of the notice of adoption. The effective date shall be August 21, 2015.

(Ord. passed 7-30-2015)

STRUCTURE REGULATIONS

§ 155.020 AREA, HEIGHT, AND USE CONDITIONS AND EXCEPTIONS.

Unless otherwise indicated, the provisions of this chapter shall be applicable to all districts and uses.

(A) *Required area or space.* A lot or lots owned by the same person, or a yard, court, parking area, frontage, dimension, or other space shall not be divided, altered, or reduced so as to make it nonconforming with the minimum requirements of this chapter. If already less than the minimum requirements of this chapter, a lot or lots in common ownership or a yard, court, parking area, or other space shall not be further divided, altered, or reduced so as to increase its noncompliance with such minimum requirements. Lots with land submerged for more than six months in any 12-month period shall not be permitted to include such lands in the calculation of required lot size.

(B) *Dwellings on more than one lot.* If a structure is to be located on two or more lots under single ownership, or if adjacent lots are required to maintain minimum lot area or yard requirements, the entire parcel shall be considered a lot for purposes of this chapter and the lots shall be legally and automatically combined into one individual lot.

(C) *Division of lots.* The division of a parcel of land into two or more lots or parcels shall require the approval of the Township Board. The Township Board shall not approve such division of land unless it shall determine that the proposed division complies with the requirements of this chapter, the Michigan Land Division Act (Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended), and all other applicable township ordinances.

(D) *Height exceptions.* The following buildings and structures shall be exempt from height regulations in all districts: parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, monuments, cupolas, domes, spires, wind-powered electric generators, essential public service towers and poles, and television and radio reception and transmission antennas and towers which do not exceed 100 feet in height.

(Ord. 09-11, passed 11-11-2009; Ord. passed 7-30-2015)

§ 155.021 REQUIRED LOTS, YARDS, AND FRONTAGE.

(A) All lots, yards, parking areas, or other spaces created after the effective date of this chapter shall comply with the minimum requirements of the district in which they are located.

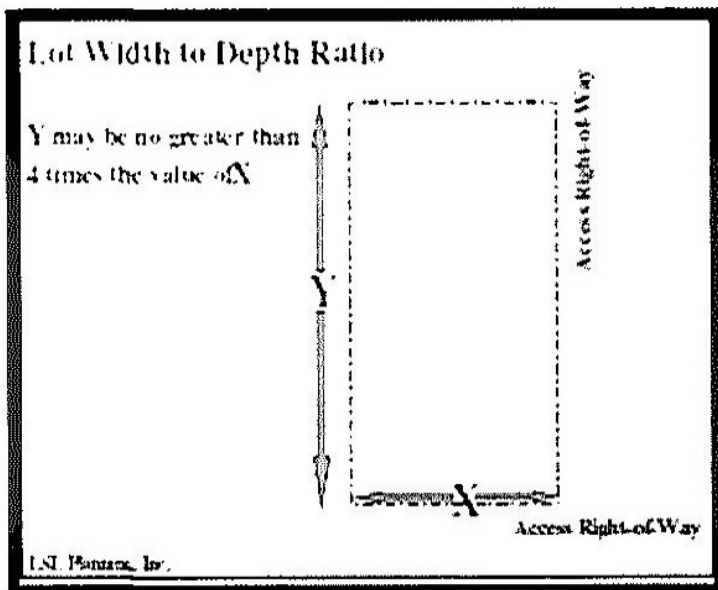
(B) All lots or parcels shall have frontage upon a public street or a private street meeting the requirements of this chapter, equal to the minimum lot width required by the district in which it is located, except as noted in § 155.024 for lots on a cul-de-sac.

(C) Lot areas shall not include land located within the street right-of-way for the purposes of computing minimum lot size or densities. Lots with land submerged for more than six months in any 12-month period shall not be permitted to include such lands in the calculation of required lot size or density.

(D) All lots within the WD District shall have separate frontage on the body of water, measured along the shoreline at the ordinary high water mark, equal to or greater than the minimum lot width required by the underlying district in which it is located. In no event shall a canal or channel shall be excavated for the purpose of creating or increasing the separate frontage required by this chapter. All front yard requirements for accessory buildings, parking, fences, dish antennas, and other applicable provisions shall be met.

(E) (1) Lots created after the effective date of this chapter having a lot area of less than ten acres shall have a lot width which is equal to, or greater than, one-fourth the depth of the lot.

(2) The lot width to depth ratio does not apply to remainders of parent parcels existing after permitted divisions; however, the remainder of the parent parcel shall contain the minimum lot area and lot width required.



(Ord. passed 7-30-2015)

§ 155.022 PRINCIPAL USES OR MAIN BUILDINGS ON A LOT.

(A) In all districts, no more than one principal use or main building shall be placed on a lot, except for groups of related industrial or commercial buildings or multiple-family dwellings contained within a single, integrated complex, sharing parking and access, or as part of a planned unit development, approved according to the standards of § 155.156.

(B) If any part of any building is lawfully used for residential purposes and the remainder thereof is lawfully used for business, commercial, or other non-residential use, the building shall comply with all applicable requirements of the underlying district if in a residential district, or with the requirements of the R-2 District if in a non-residential district.

(Ord. passed 7-30-2015)

§ 155.023 DOUBLE FRONTAGE LOTS.

The required setback on the street side yard of a corner lot shall be half the distance of the front yard setback in the district in which the property(ies) lies.

(Ord. passed 7-30-2015; Ord. 21-02, passed 1-13-2021)

§ 155.024 MINIMUM LOT WIDTH FOR CUL-DE-SAC LOTS.

The minimum lot width for a lot on a cul-de-sac shall be measured at the minimum building line and shall not be diminished throughout the rest of the lot. These lots shall have a front lot line width of at least 40 feet and in no case shall the lot width within the required front yard be less than 40 feet.

(Ord. passed 7-30-2015)

§ 155.025 PROJECTIONS INTO YARDS.

(A) Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters, and similar features, may not project into required front, rear, or side yard.

(B) An open, unenclosed, and uncovered porch, deck, balcony, or window awning shall not project into a required front yard or required side yard. In no case shall a porch, deck, balcony, or awning be placed closer than 30 feet to any front line or closer than eight feet to a rear line.

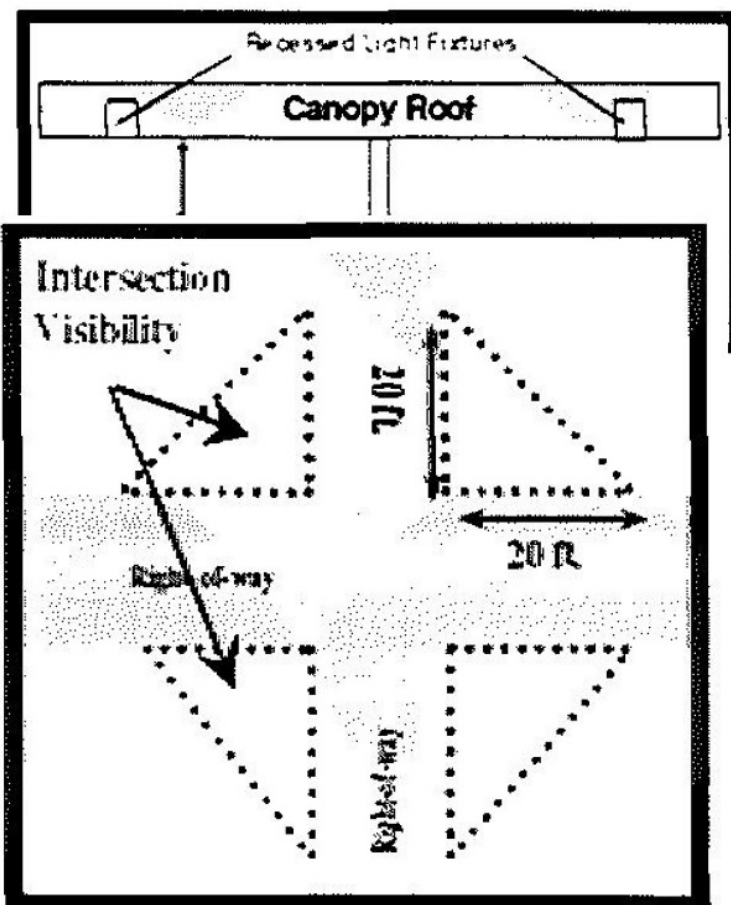
(C) Canopy roofs.

(1) Canopy roofs, such as those for gas pump islands accessory to automobile service stations and other uses, drive-in restaurants, banks, and other similar uses shall be permitted to encroach into any required yard, provided that a minimum setback of 12 feet is maintained from any property line.

(2) The height of the canopy roof shall not exceed 16 feet and be open on all sides.

(3) The colors and design of the canopy shall be compatible with the main building.

(4) Lighting and signs on or within the canopy shall comply with the requirements of this chapter. Lights, including lenses and other portions of the lighting fixture, used for canopies shall be completely recessed in the canopy structure and shall not extend below the underside surface of the canopy, except that such fixtures may be surface mounted, provided that the fixtures are designed and constructed to achieve the same effect as the flush mounted fixture.



(Ord. 09-11, passed 11-11-2009; Ord. passed 7-30-2015)

§ 155.026 CLEAR VISION CORNERS.

(A) On any street corner or driveway intersection with a public or private street, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 36 inches and eight feet above the established abutting road grade.

(B) For public and private street intersections, the clear vision area shall be that area within a triangle formed by the two street right-of-way lines and a line

connecting them to points 20 feet from the intersection of the right-of-way lines.

(Ord. passed 7-30-2015, amended 1- -2006)

§ 155.027 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION, AND ODORS.

(A) Every use shall be conducted and operated such that it is not obnoxious, does not create a public nuisance, and is not dangerous by reason of heat, glare, dust, noise, vibration, or odors beyond the lot on which the use is located.

(B) All complaints against agricultural activities will be handled according to the Right to Farm Act (Public Act 93 of 1981, being M.C.L.A. §§ 286.471 through 286.474).

(Ord. 09-11, passed 11-11-2009; Ord. passed 7-30-2015)

§ 155.028 TEMPORARY DWELLINGS, USES, OR STRUCTURES.

(A) *Temporary offices or storage yards*

(1) Upon application, the Zoning Administrator may issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six calendar months and may be renewed by the Zoning Administrator for additional successive periods of six calendar months or less at the same location, and only if such building or yard is still incidental and necessary to construction at the site where it is located.

(2) Upon application, the Zoning Administrator may issue a permit for a temporary sales office or model home which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and shall be valid for a period of not more than six calendar months. The permit may be renewed by the Zoning Administrator for up to four additional successive periods of six calendar months or less at the same location, if the Zoning Administrator determines that such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

(B) *Temporary dwellings.*

(1) The Zoning Administrator may issue a permit to an individual to park and/or occupy a temporary dwelling in any district, provided that the following conditions are met.

- (a) The temporary dwelling will be used only as a temporary use on the same lot while the property owner is constructing a permanent residence.
- (b) A building permit has been issued for the construction of a permanent residence to the property owner applying for the temporary dwelling permit.
- (c) The temporary dwelling is connected to an approved well and septic system or public sanitary sewer.
- (d) The temporary dwelling is sufficiently secured to the ground to prevent overturning through the actions of high winds or other natural conditions.

(2) The Zoning Administrator shall determine the required size of the temporary dwelling and placement on the lot. This determination shall be consistent with the standards of division (C) below.

(3) Upon applying for a temporary dwelling approval, the applicant shall pay a fee as determined by the Township Board. The permit fee shall be remitted to the Township Treasurer. All original temporary dwelling permits shall be limited to a period of six months. If the permanent residence is not approximately 50% complete, as determined by the Zoning Administrator, within the six month period, a six month extension or less may be permitted by the Zoning Administrator only for the purpose of completing the residence. No more extensions shall be permitted, except by action of the Zoning Administrator after consideration of the standards of division (C) below.

(4) Upon the filing of an application for continuation of any temporary dwelling permit, the applicant shall pay a fee, as determined by the Township Board, which shall be remitted to the Township Treasurer. The fee shall be for the consideration of such application, and no refund shall be made in the event of denial.

(C) In considering authorization for any temporary uses or structures, the Zoning Administrator shall consider the following standards:

- (1) The use or structure does not have an unreasonable detrimental effect upon adjacent properties;
- (2) The use or structure is reasonably necessary for the convenience and safety of the construction proposed;
- (3) The use or structure does not impact the nature of the surrounding neighborhood; and
- (4) Access to the use area or structure does not create any nuisance or detriment to the surrounding uses.

(D) The Zoning Administrator may attach reasonable conditions to temporary uses or structures to ensure that the standards of this section are met.

(E) All temporary dwellings, buildings, and uses shall be removed from the premises following the expiration of the permit and any extensions, or upon completion of the permanent building or structure.

(Ord. passed 7-30-2015)

§ 155.029 ACCESSORY USES.

(A) In any district, accessory uses, incidental only to a permitted use or special land use, are permitted when located on the same property; provided that accessory uses shall not involve the conduct of any business, trade, or industry. This provision shall not exclude home occupations as regulated by § 155.034, nor shall it exclude the operation of a garage or yard sale in any residential district, provided that the sale is not operated for more than a total of three days within any 60-day period.

(B) Gardening and the keeping of domestic or farm animals, as regulated by §155.054, shall be considered customary to and commonly associated with the operation of any permitted or special land use; provided any structure housing farm animals shall be located not less than 50 feet from every lot line.

(C) Solar energy systems (SES) classified as small or medium, according to the definitions of SES in §155.241, are permitted as accessory uses only and according to the following and subject to § 155.240:

- (1) A small SES is a permitted accessory use in all districts.
- (2) A medium SES is a permitted accessory use in C-Commercial and IND-Industrial Districts.
- (3) Small and medium SES are subject to §155.240.

(Ord. passed 7-30-2015; Ord. 19-01, passed 9-11-2019)

§ 155.030 ACCESSORY BUILDINGS OR STRUCTURES.

(A) *Accessory buildings or structures, generally.*

(1) When erected as an integral part of the main building, the accessory building shall comply in all respects with the requirements of this chapter applicable to the main building. Accessory buildings or garages shall be considered as attached to the main building when the distance between structures is enclosed by a breezeway, portico, covered colonnade, or similar architectural device.

(2) No accessory building or structure shall be erected in the required front yard.

- (3) No less than ten feet shall be maintained between detached accessory buildings or garages and a main building.
- (4) Overnight occupancy is permissible if all safety and building codes are inspected and approved for use.
- (5) Accessory building may have a sink and toilet and must be hooked up to an approved sanitary system. No kitchen or cooking appliances are allowed. A shower and or tub is permitted in Ag/Res District only.
- (6) An accessory building in a residential district shall not be constructed without a permit being issued for the primary residence. If the primary residence is not constructed according to the permit, the accessory building shall be considered a nuisance per se and removed, except if it is in AR District and used for farming.

(B) *Residential accessory buildings.* Accessory buildings shall be permitted within residential districts or with any residential use provided that the following restrictions are met.

- (1) No more than two detached accessory buildings shall be permitted on any residential lot, except for those used in farming operations, which shall not be counted toward this total.
- (2) The proposed accessory building shall generally be compatible with the architectural style and building form of the principal building, except for accessory buildings that perform specific functions based on their form.
- (3) The total area of all accessory buildings including garages (attached or detached) on lots less than one acre shall not exceed 1,500 square feet, on lots of one to two acres shall not exceed 1,800 square feet, on lots over two acres to three acres shall not exceed 2,400 square feet, on lots over three acres to five acres shall not exceed 3,000 square feet, and on lots over five acres shall not exceed 4,000 square feet except for those used in farming operations, which shall not be counted toward the total square footage.
- (4) An accessory building located in the rear yard shall not occupy more than 25% of the required rear yard area.
- (5) Accessory buildings in excess of 200 square feet must be designed, constructed, and finished such that the exterior appearance is compatible with that of the main building, except for those used in farming operations.
- (6) No detached accessory building shall be constructed closer than ten feet to any side or rear lot line, or within the district's minimum required side yard, whichever is less.
- (7) An accessory building may be built to match the existing roof pitch of the primary residence.
- (8) The sidewall height of any accessory building shall be as follows.

| Acres | Square Feet Ground Floor Area | Max Wall Height |
|-------------------|--------------------------------------|------------------------|
| Less than 1 acre | 0 (min) - 1,500 square feet | 10 feet |
| Over 1 to 2 acres | 0 (min) - 1,800 square feet | 10 feet |
| Over 2 to 3 acres | 0 (min) - 2,400 square feet | 14 feet |
| Over 3 to 5 acres | 0 (min) - 3,000 square feet | 16 feet |
| Over 5 acres | 0 (min) - 4,000 square feet | 16 feet |

(C) *Other district accessory buildings.* Accessory buildings shall be permitted within a non-residential district, provided that the following restrictions are met.

- (1) No more than two detached accessory buildings shall be permitted on any lot.
- (2) The total area of all accessory buildings shall not exceed 25% of the floor area of the main building(s).
- (3) Detached accessory buildings shall meet all setback requirements for the district in which it is located.
- (4) No accessory building shall exceed the permitted height for main buildings in the district in which it is located.

(Ord. 09-11, passed 11-11-2009; Ord. passed 7-30-2015; amended 9- -2011)

§ 155.031 FENCES.

(A) *General.*

(1) Fences erected within the required front yard in any district shall not exceed four feet high of unobstructed chain link fence or shall not exceed three feet in height of a type which is not more than 66% solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed.

(2) Fences shall not be erected or maintained in any district in such a way as to obstruct the vision of vehicle drivers within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines 20 feet from the point of intersection. Fences constructed within this area shall not exceed 36 inches in height.

(3) Any fence shall be maintained in good, safe, and sturdy condition.

(B) *Residential districts or uses.*

(1) Fences in the residential districts or residential uses in other districts shall not exceed six feet in height, measured from the surface to the uppermost portion of the fence.

(2) Fences in the residential districts or fences enclosing residential uses in other districts shall not contain barbed wire or be electrified.

(C) *Non-residential districts or uses.*

(1) Fences in the non-residential districts which enclose storage lots or other areas requiring security may contain barbed wire, provided that the barbed portion of the fence not be nearer than six feet from the surface of the ground. The total height of fences in the non-residential districts shall not exceed eight feet.

(D) *Waterfront District.*

(1) Fences in the Waterfront District erected between the main building and the shoreline shall not exceed four feet high of unobstructed chain link fence or shall not exceed three feet in height of a type which is not more than 66% solid, so as not to obscure vision at the property line of the lot or parcel on which it is placed.

(2) Fences in the Waterfront District shall not be placed lakeward of the ordinary high water mark.

(3) Fences in the Waterfront District shall not exceed six feet in height, measured from the surface to the uppermost portion of the fence.

(4) Fences in the Waterfront District shall not contain barbed wire or be electrified.

(5) Fences in the Waterfront District shall not be placed lakeward of the ordinary high water mark.

(Ord. 09-11, passed 11-11-2009; Ord. passed 7-30-2015; amended 1- -2006; Ord. 20-26, passed 12-9-2020)

§ 155.032 SWIMMING POOLS.

(A) Pools used for swimming or bathing shall be in conformity with the requirements of this section; provided, however, these regulations shall not be applicable to any such pool less than 24 inches deep or having a surface area less than 250 square feet, except where such pools are permanently equipped with a water recirculation system or involve permanent structural materials.

(B) A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged, or altered until a permit has been obtained from the Zoning Administrator.

(C) The outside edge of the pool wall shall not be located closer than ten feet from any rear or side property line.

(D) Each pool shall be enclosed by a fence or wall with a height of at least four feet, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, must be not less than four feet above the underlying ground; all gates must be self-latching with latches placed four feet above the underlying ground or otherwise made inaccessible from the outside to small children.

(E) All swimming pool installations shall comply with the State Construction Code and all standard codes referred to therein.

(Ord. passed 7-30-2015)

§ 155.033 HOME BASED BUSINESSES.

Except as otherwise noted in the district, home based businesses shall be permitted in all residential districts, with the exception of the WD and R-1 Districts, upon a finding by the Zoning Administrator that all of the following conditions are and will continue to be met.

(A) No person, other than the resident occupants and one employee who need not be a resident, shall be engaged on the premises as part of the operation of the home based business.

(B) The use of the dwelling unit for the home based business shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The home based business shall be operated in its entirety on the same premises as the principal dwelling. Accessory buildings meeting the requirements of the district in which it is located may be used in conjunction with the operation of the home based business. The area of the main building dedicated to the operation of the home based business shall not exceed a floor area equal to 20% of the total floor area of the dwelling unit.

(C) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home based business other than that permitted by this section. One sign shall be permitted, not exceeding four square feet in area, non-illuminated, and having a minimum setback of one-half of the setback required for the main building and be not greater than four feet high.

(D) Any traffic generated by such home based business shall not be so great or occur at such a time so as to cause serious adverse effects within or upon the surrounding neighborhood.

(E) No equipment or process shall be used on the premises of such home based business which, in the opinion of the Planning Commission, creates excessive noise, vibration, glare, fumes, odors, or electrical interference.

(F) Parking or storage of vehicles or other equipment related to the home based business shall not be permitted in any required yard setback. In addition, such parking or storage shall be set back a minimum of 40 feet from any side yard. The permitted parking or storage area shall be screened from adjoining premises and adjacent streets by landscaping or screening meeting the requirements of this section. Any outside parking or storage shall occupy no more than 10% of the total lot area, to a maximum of 2,500 square feet.

(G) Only those goods or products which are clearly incidental to the home based business shall be sold on the premises.

(H) Home based businesses existing at the time of the adoption of this section shall be permitted to continue, but shall be subject to the requirements. Home based businesses existing at the time of the adoption of this section may not be extended to occupy more land without receiving the approval in compliance with this section.

(Ord. passed 7-30-2015)

§ 155.034 HOME OCCUPATIONS.

All home occupations shall be subject to the following restrictions and regulations.

(A) The home occupation shall be conducted entirely within the main building or accessory building and only by a person or persons residing in the structure.

(B) No equipment or process shall be used on the premises of such home occupation which, in the opinion of the Planning Commission, creates excessive noise, vibration, glare, fumes, odors, or electrical interference.

(C) There shall be no alteration in the residential character of the premises in connection with such home occupation and no more than 20% of the living area of the dwelling shall be devoted to the home occupation.

(D) No merchandise or articles for sale shall be displayed outside of a building. A sign is allowed not exceeding four square feet and not illuminated.

(E) Articles or materials used in connection with such home occupation shall be stored within an enclosed building.

(F) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided off the street and not within the required front yard.

(G) Only related persons living at the residence can work at the occupation.

(H) No work shall occur in accessory buildings.

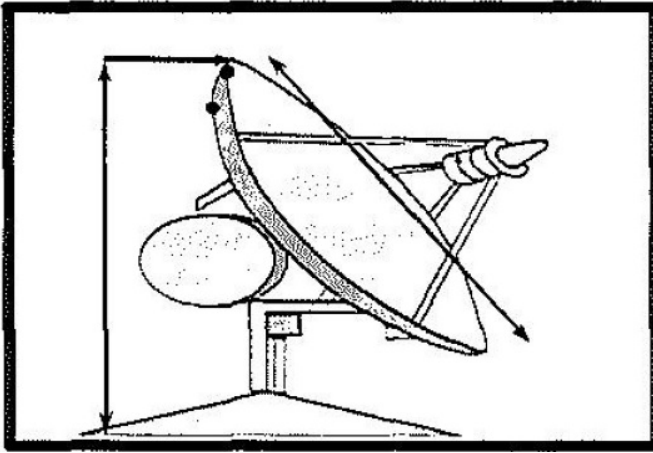
(I) No commodity shall be sold.

(J) The home occupation shall and show no external evidence of change in the building or premises.

(Ord. passed 7-30-2015)

§ 155.035 DISH ANTENNA.

(A) A dish antenna may be mounted on the roof of a main or accessory building, provided it shall not exceed a height of five feet above the roof line of the building, including the mounting structure.



(B) Dish antennas are permitted in all districts upon approval of the Building Inspector, provided the setback requirements of §55.030 for detached accessory buildings are maintained and the following conditions satisfied.

- (1) The antenna shall be permanently anchored to a foundation.
- (2) No portion of the antenna shall conduct or display any advertising, message, or other graphic representative other than the manufacturer's name.
- (3) No dish antenna shall exceed a height of 14 feet, including its mounting structure.
- (4) No dish antenna shall be located in the required front yard or within 30 feet of a shoreline.

(C) The Zoning Administrator may approve antennas not meeting the above requirements of this section, provided that the applicant establishes to his or her satisfaction that the receiving functions of the antenna would be restricted or blocked if constructed or placed in compliance with the requirements of this section.

(D) If the antenna is to be located in the side yard, or in the rear yard on the street side of a lot, the Zoning Administrator may require that a landscape screen be installed around the antenna to obstruct the view of the antenna from adjoining properties or from the street.

(E) These regulations shall not apply to dish antennas that are one meter (39.37 inches) or less in diameter in residential districts or two meters (78.74 inches) or less in diameter in non-residential districts.

(F) These regulations are formulated to ensure that adequate protection measures are provided in this section for ensuring that sight distance is not impaired, that such dish antennas are located and constructed in a manner which will not afford the potential for injury, and to ensure that the intent and purposes of this chapter are met.

(Ord. passed 7-30-2015)

§ 155.036 ESSENTIAL SERVICES.

(A) The erection, construction, alteration, or maintenance by public utilities or governmental units, boards, or commissions of overhead or underground gas, electrical, steam, or water distribution, transmission, collection, communication, or supply systems; including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety, or general welfare is permitted in any district.

(B) Notwithstanding the exceptions contained above:

- (1) Electrical substations, gas/oil well equipment, and/or gas regulator stations shall be enclosed with a fence or wall six feet high and adequate to obstruct passage of persons or materials, except through securable gates;
- (2) Public utility buildings in any residential district shall not include maintenance shops, repair garages, or storage yards as a principal or accessory use; and
- (3) Public utility facilities in any district shall be constructed and maintained in a neat and orderly manner. Buildings shall be landscaped and conform with the general character of the architecture of the surrounding neighborhood.

(Ord. passed 7-30-2015)

§ 155.037 ILLEGAL DWELLINGS.

(A) No permit shall be issued for the construction of a building or structure with drinking water and/or sanitary facilities and located on a lot which is not served by both public water and sewer facilities if its water supply and/or sewage disposal facilities, as the case may be, does not comply with the applicable rules and regulations governing waste and sewage disposal of the county. Residential outdoor restrooms/outhouses are not permitted.

(B) Any unfinished basement or finished basement without a direct outside access shall not be considered as living area for the calculation of required living area of a dwelling. Any dwelling without a full floor above grade shall be considered a basement dwelling.

(C) No building, structure, or recreational equipment intended for human use or habitation shall be constructed or occupied unless it meets the minimum requirements of this chapter, the Cass County Health Department, and the adopted Building Code of the township, except as otherwise permitted in this chapter.

(Ord. passed 7-30-2015)

§ 155.038 RAZING OF BUILDING.

No building shall be razed until a building permit has been obtained from the Building Inspector, who shall be authorized to require a performance bond in any amount not to exceed \$1,000 for each 1,000 square feet, or fraction thereof, of floor area of the building to be razed. The bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Building Inspector may from time to time prescribe, including filling of excavations, proper termination of utility connections, and other applicable building codes.

(Ord. passed 7-30-2015)

§ 155.039 MOVING OF BUILDING.

No existing building or structure of any type or kind shall be moved into the township or moved from one lot in the township to another lot in the township unless a zoning compliance permit is issued by the Zoning Administrator. All such buildings shall meet the requirements of this chapter and the Construction

Code as adopted by the township, and obtain such permits as may otherwise be required.

(Ord. passed 7-30-2015)

NONCONFORMING BUILDINGS OR STRUCTURES, USES, AND LOTS

§ 155.050 GENERAL REQUIREMENTS.

(A) Continuation of nonconforming structures, buildings, or uses.

(1) Except where specifically provided to the contrary and subject to the provisions of this chapter, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this chapter, or in the case of an amendment of this chapter, then on the effective date of such amendment, may be continued although such use does not conform with the provisions of this chapter or any amendment thereto.

(2) In addition, except where specifically provided to the contrary and subject to the provisions of this section, a building or structure which is existing and lawful on the effective date of this chapter or, in the case of an amendment of this chapter, then on the effective date of such amendment, may be maintained and continued although such building or structure does not conform with the provisions of this chapter or any amendment thereto.

(3) Any use of a building or structure which is nonconforming by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or loading space to meet requirements for any extension, enlargement, or change of use which requires greater areas for parking and/or loading space.

(B) *Building or structure under construction on effective date of chapter* Any building or structure shall be considered as an existing and lawful nonconforming use, and for purposes of this section, to have been in use for the purpose for which constructed if, on the effective date of this chapter, a building permit has been obtained therefore, if a building permit was required, and substantial construction has occurred, which may include such operations as the pouring of foundations and other work as the Zoning Administrator may deem to be substantial, and is thereafter pursued diligently to conclusion.

(Ord. passed 7-30-2015)

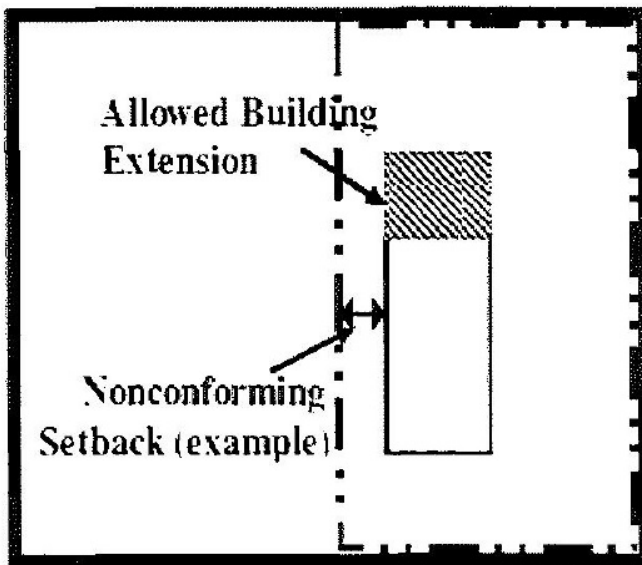
§ 155.051 NONCONFORMING BUILDINGS AND STRUCTURES.

(A) Enlargements or extensions.

(1) No nonconforming use of any land or structure shall hereafter be enlarged or extended beyond the area occupied when the use became nonconforming.

(2) Where the nonconforming setback of a building or structure is equal to or less than one-half of the distance required by this chapter, the nonconforming setback of the building may be extended along the same horizontal plane as the existing nonconforming setback, provided that in so doing the setback distance does not become more nonconforming. This provision shall not be construed to apply to proposed extensions of buildings that are nonconforming by reason of height.

(3) Extensions of nonconforming buildings and structures shall be limited to no greater than 50% of the original nonconforming portion of the building or structure being extended.



(B) Reconstruction or movement.

(1) A nonconforming building may be rebuilt on its same nonconforming footprint, provided it complies with as many requirements as possible of the zoning district in which it is located.

(2) Should a nonconforming building or structure be moved for any reason and for any distance, it shall be moved to a location which complies with the requirements of this chapter.

(3) Should the owner of a nonconforming building or structure take any action that causes such building or structure to be removed, either partially or fully, any reconstruction of such building or structure shall be in compliance with the requirements of the zoning district in which it is located.

(C) *Expansion of nonconforming buildings or structures* Buildings or structures nonconforming by reason of height, setback, and/or parking and loading space provisions only may be extended, enlarged, altered, remodeled, or modernized when the Zoning Administrator finds that the following conditions are met.

(1) The building or structure shall comply with all height, setback, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling, or modernization.

(2) Such alteration, remodeling, or modernization will not substantially extend the life of any nonconforming building or structure.

(D) Restoration and repair.

(1) Subject to the provisions of this section, nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any part of any building or structure which is unsafe.

(2) None of the provisions of this section are meant to preclude normal repairs and maintenance on any nonconforming building or structure that would strengthen or correct any unsafe condition of the building or structure.

(3) All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made, but it shall not be structurally altered to permit the use of such building or structure beyond its natural life, except for repairs necessary to maintain public safety.

(E) Where a lawful building or structure exists at the effective date of this chapter, or an amendment thereto, that does not comply with the requirements of this chapter because of restrictions, such as lot area, coverage, width, height, or yards, such building or structure may be continued so long as it remains otherwise lawful.

(Ord. passed 7-30-2015)

§ 155.052 NONCONFORMING USES.

(A) *Enlargements or extensions.* No nonconforming use of any land or structure shall hereafter be enlarged or extended beyond the area occupied when the use became nonconforming, except after the approval of the Zoning Board of Appeals, approval of which shall be granted only upon considering of all of the following facts:

(1) The enlargement or extension will not substantially extend the probable duration of such nonconforming use and that all enlargements since the use became nonconforming are upon and limited to the same parcel on which the nonconforming use was located at the time of the adoption of the existing Township Zoning Ordinance;

(2) The enlargement or extension will not become a precedent for other variations in the vicinity;

(3) The enlargement or extension does not, in total, exceed 50% of the area of the originally nonconforming area;

(4) The enlargement or extension will not interfere with the use of any other properties in the vicinity for the uses for which they have been zoned, nor with their compliance with all of the provisions of this chapter; and

(5) The enlargement or extension will not interfere with the use of other properties in the vicinity for the uses for which they have been zoned, nor with their compliance with all of the provisions of this chapter.

(B) *Change or abandonment.*

(1) The nonconforming use of a building or structure or of any land or premises shall not be:

(a) Changed to any other nonconforming use;

(b) Re-established after it has been changed to a conforming use; or

(c) Re-established if abandoned for any reason for a period of more than 12 months. In such cases, any subsequent use shall conform to the requirements of this chapter.

(2) A nonconforming use may be determined to be abandoned if one or more of the following conditions exists, and which may be deemed by the Zoning Administrator to constitute an intent on the part of the property owner to abandon the nonconforming use, if after 12 months:

(a) Utilities, such as water, gas, and electricity to the property, have been disconnected;

(b) The property, buildings, and grounds have fallen into disrepair;

(c) Signs or other external indications of the existence of the nonconforming use have been removed;

(d) Removal of equipment or fixtures which are necessary for the operation of the nonconforming use; or

(e) Other actions which, in the opinion of the Zoning Administrator, constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.

(3) The Zoning Administrator's decision shall be subject to appeal to the Zoning Board of Appeals and it shall determine if the use was abandoned.

(Ord. passed 7-30-2015; amended 3- -2010)

§ 155.053 NONCONFORMING LOTS OF RECORD.

(A) A lot which is platted, or otherwise lawfully of record as of the effective date of this chapter, may be used as specified in the district, provided the lot can meet the requirements of the County Health Department.

(B) The main building shall be located on the lot to assure maximum compliance with all yard and setback requirements for the district in which the lot is located.

(C) Accessory buildings and structures shall meet the setback requirements for the district in which it is located.

(Ord. passed 7-30-2015; Res. 19-22, passed 11-13-2019)

§ 155.054 KEEPING OF PETS AND RAISING AND KEEPING FOWL OR ANIMALS.

(A) No more than three adult dogs or cats in combination shall be kept or housed per each dwelling unit in any residential district.

(B) Any other provision of this chapter notwithstanding, the keeping, housing, raising, or use of fowl or animals, other than customary house pets of an occupant of the premises, is prohibited in the residential districts.

(C) Where such activities are pursued or conducted in any other district as it may be allowed, the following is permitted:

(1) On lots of one-half acre, but less than one acre: raising and keeping fowl and/or rabbits and/or other small animals for pets, not to exceed three per family;

(2) On lots of one acre, but less than two acres: raising and keeping fowl and/or rabbits and/or other small animals commonly raised for human consumption in numbers no greater than is required to satisfy the personal needs of the human occupiers of the premises;

(3) On lots of two acres, but less than five acres: the uses permitted by division (C)(2) above, plus one horse or one cow or one pig per acre, provided that any pig pen or building or structure housing farm animals shall be a minimum of 50 feet from any property line; and

(4) On lots of five acres or more: the uses permitted by divisions (C)(2) and (C)(3) above, plus one additional head of horse, cow, pig, or other large domestic animal for each additional one-half acre above the first five acres; provided that any pig pen or building or structure housing farm animals shall be a minimum of 50 feet from any property line.

(Ord. passed 7-30-2015) Penalty, see § 155.999

§ 155.055 PRIVATE EASEMENT/PRIVATE ROAD.

(A) *Generally.* The township has hereby determined that as large tracts of land are divided, sold, transferred, and developed; private access roads are being created to provide access to the newly divided properties which are not subject to regulation under the Michigan Subdivision Control Act of 1967 and other state regulations. The township determines it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, extension, relocation, and use of private roads to assure:

(1) That private roads are designed with width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles.

(2) That private roads are constructed of suitable materials to ensure minimal maintenance and safe passage.

(3) That private roads will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the Township.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PRIVATE ROAD. A road under private ownership which has been constructed upon a private road easement for the purpose of providing access to five or more parcels of land.

PRIVATE ROAD EASEMENT. A private road that provides access solely to four parcels of land and does not require the private road to be constructed.

(C) *Private road easement; minimum width.* A private road easement which only provides access to a maximum of four single-family lots or dwelling units may have a minimum width of 40 feet. The center of the traveled portion of the road shall be located in the center of the easement.

(D) *General requirements to private road easement/private road.*

(1) A private road shall not be constructed, except in accordance with the standards and requirements of this section and must meet Cass County Road Commission specifications.

(2) If an existing private road is proposed to be extended then the existing portion shall be improved, along with the new portion, to meet the standards and requirements of this section and must meet Cass County Road Commission specifications.

(3) Private roads are permitted in all zoning districts.

(4) Private road easements/private road shall not interconnect with the public street network in a manner that will preclude the extension of public streets if necessary to further the logical, orderly and efficient development of the overall public street network.

(5) Private roads that may be exempt from this section are those private roads that would be subject to site plan review per this section, such as but not limited to: planned unit development, manufactured housing park, shopping centers.

(E) *Minimum standards for private road.*

(1) (a) A private road shall be located within a private road easement. Such easement shall not be less than 66 feet in width.

(b) The center of the traveled portion of the road shall be located in the center of the private road easement.

(2) At the dead end of such easement, the easement shall widen such that there is space adequate to provide for a turnaround to accommodate emergency and maintenance equipment.

(3) A parcel shall have frontage on the private road easement which is at least equal to the minimum parcel width required for the zoning district in which the parcel is located.

(4) A private road easement/private road shall intersect and connect to a public road. A private road easement/private road shall not be approved which accesses a public road by another private road easement/private road.

(5) A private road shall be constructed or extended when a private road easement serves five or more parcels.

(6) A private road shall be given a street name that is not the same or similar to any other street name in the county, to be verified by Cass County Road Commission. A street sign meeting Cass County Road Commission standards shall be erected and maintained by the applicant where such private road intersects any public road.

(7) A dwelling unit on a private road shall display a house number, minimum of three inches in height, in a manner so that the number is at all times readily visible from the private road.

(8) In determining the location of a private road easement, consideration shall be given to safety of traffic entering and exiting the private road easement in relationship to the public road.

(F) *Road maintenance agreement.* The owner(s) and any other parties with legal interest in the proposed private road shall provide to the township, a road maintenance agreement, access easement agreement, list of parcel numbers, and deed restrictions, all must be recorded with Cass County, which shall provide for the perpetual private maintenance of such roads and/or easements to a necessary and reasonable standard to serve the parties having an interest in the private road. These documents shall, at a minimum, contain the following provisions:

(1) A method of initiating and financing of such road in order to keep the road in a reasonably good and usable condition that will not constitute a danger to the health, safety, and welfare of the inhabitants of the township and are readily accessible to and usable by emergency vehicles in all types of weather.

(2) A workable method of apportioning the costs of maintenance and improvements, including the potential of future paving.

(3) A notice that no public funds of the township are to be used to build, or maintain the private road. All costs shall be the responsibility of the property owners.

(4) Easements to the public for purposed use of utilities, emergency and other public vehicles for whatever public services are necessary.

(5) A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, and others bound to or returning from any of the parcels having a right to use the road.

(6) That any structures or parcels thereafter created or constructed on the private road shall also be subject to the road maintenance and that said agreement shall run with the land.

(G) *Procedure for private road.* An application to establish or extend a private road shall be filed with the township along with a fee as set by the Township Board. The application shall contain or be accompanied by the following information:

(1) The name(s) of the owners and any other parties having any legal interest in the private road and the parcels across which it is to be constructed.

(2) Parcel numbers of the parcels over which the private road is to be constructed.

(3) A scaled drawing showing the location, grade, elevation, route, dimensions, specifications and design of the private road and any proposed extensions of the road, existing or proposed curb cuts and the location and distance to any public street which the private road is to intersect.

(4) A scaled drawing illustrating the proposed lot division.

(5) An approved driveway permit from the Cass County Road Commission.

(6) A statement from the Cass County Road Commission indicating there is no known duplication of the proposed private road name.

(7) The permit application, drawings and other required information shall be reviewed by the Zoning Administrator for completion and then go before the Planning Commission for a decision.

(H) *Final compliance requirements.*

(1) Upon completion of the private road, the following shall be on file with the township:

- (a) A letter from the Cass County Road Commission that the road has been constructed in compliance with Cass County Road Commission specification;
- (b) Documentation that the road maintenance agreement, access easement and deed restrictions have been recorded with the Cass County Register of Deeds office;
- (c) A driveway permit for the private road from the Cass County Road Commission or the State of Michigan Highway Department, whichever applies;
- (d) A verification letter from the Cass County Road Commission that the new street name is not the same or similar to any other street name in the county; and
- (e) Planning Commission minutes and/or signatures verifying approval.

(2) Upon verification of all items required for final compliance, the Township Supervisor shall issue a letter of final approval.

(I) *Permits for dwellings on private road.* A building permit shall not be issued for any principal dwelling which derives its primary access from a private road unless a letter of final approval of the private road has been issued.

(J) *Township liability.* The owner(s) of the private road agree by applying for and securing approval to construct the private road that they shall indemnify and save and hold the township harmless from all claims for personal injury and/or property damage arising out of the failure to properly construct, maintain, repair and replace the private road. Such wording shall appear on the application for approval and be signed by the applicant.

(Ord. passed 7-30-2015; amended 11- -2007; Ord. 16-02, passed 11-9-2016)

§ 155.056 STORAGE AND REPAIR OF VEHICLES.

(A) The carrying out of repair, restoration, and maintenance procedures or projects on vehicles in any residential district, when such work is not conducted entirely within the interior of a building, shall be subject to the following limitations.

(1) Procedures or projects exceeding 48 hours in duration or which require the vehicle to be immobile or inoperative in excess of 48 hours shall be carried out within a garage. Only one such period shall be permitted within a single 30-day period.

(2) Inoperative or unlicensed vehicles and vehicle parts shall be stored inside a building.

(B) It shall be unlawful for the owner, tenant, or lessee of any lot in a residential district to permit the open storage or parking outside of a building of:

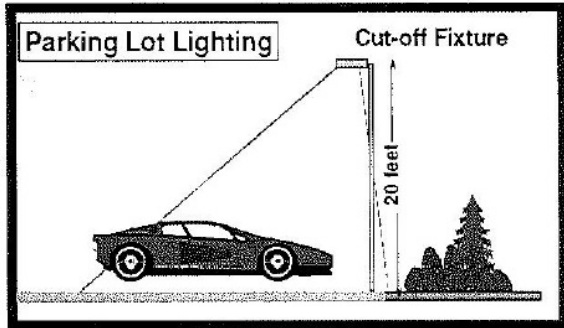
(1) Mobile homes not used as dwellings (except as may be permitted in §155.028); and/or

(2) Semi-tractor trucks and/or semitrailers, bulldozers, earth carriers, cranes, or any other similar equipment or machinery, unless parked thereon while in use in construction being conducted on such lot.

(Ord. passed 7-30-2015) Penalty, see § 155.999

§ 155.057 LIGHTING.

(A) All lighting upon any premises, regardless of the district, shall be arranged so that such lighting does not produce any glare which is a nuisance or annoyance to residents or occupants of other premises or to the traveling public on public roadways.



(B) Light fixtures shall be no higher than 20 feet and shall be provided with light cut-off fixtures that direct light downward. For parking lots serving a single building or groups of related commercial, industrial, or office buildings in excess of 100 spaces, the Planning Commission may permit a higher light fixture in selected locations within the parking lot where existing or planned residential areas will not be affected.

(Ord. passed 7-30-2015)

§ 155.058 MAINTENANCE OF LANDSCAPING AND BUFFERS.

(A) The owner of the land on which landscaping or buffers have been required by this chapter or by action of the township, pursuant an approval granted by this chapter or other township ordinances, shall initially plant or cause to be planted the landscaping and/or buffer and shall, thereafter, make and perform or cause to be made and performed all necessary maintenance and replacement for the landscaping and/or buffer.

(B) All trees or other landscape material required or used as part of the landscaping and/or buffer which is lost, dies, or is seriously damaged for any reason shall be replaced not later than the following planting season with equivalent landscape material.

(Ord. passed 7-30-2015)

§ 155.059 STORAGE OF RECREATIONAL EQUIPMENT.

Recreational equipment may be located outside of an enclosed building on any lot within a residential district.

(A) If located on an interior lot, recreational equipment shall not be located within the front yard. If located on a corner lot, recreational equipment shall not be located in the side yard facing the street. If located on a through lot, recreational equipment shall not be located in the front yard or rear yard between a public street and rear yard setback.

(B) Notwithstanding the provisions of this section, recreational equipment may be parked within a yard, but not within the required yard setback, for cleaning, loading, or unloading purposes for not more than 72 hours within a seven-day period.

(C) Recreational equipment may be used for living or housekeeping purposes for a period not exceeding 14 days in any calendar year, provided that running water or indoor sewage facilities within such equipment is not utilized and provided that the storage requirements of this section are met.

(Ord. passed 7-30-2015)

§ 155.060 FLOOR AREAS AND GRADE LEVEL.

No building or structure intended for human use or habitation shall be constructed on land which are subject to flooding or on land where a minimum of one foot between finished grade level and flood level cannot be maintained. Filling to bring to grade level is not permitted.

(Ord. passed 7-30-2015) Penalty, see § 155.999

§ 155.061 MEDICAL MARIHUANA.

(A) A primary caregiver shall be allowed as a permitted home occupation in the Residential, R-1 and R-2, Agricultural Residential AR, and WD Waterfront Districts pursuant to compliance with the Administrative Rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, Public Act 208, being M.C.L.A. §§ 333.26421 et seq. and the requirements of this section. As a permitted home occupation, it is at all times subordinate and incidental to the use of the dwelling as a residence.

(B) The requirements for a primary caregiver as a permitted home occupation shall be as follows.

(1) The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act, being M.C.L.A. §§ 333.26421 et seq. ("Act"), and the Administrative Rules of the Michigan Department of Community Health, ("Administrative Rules"), as they may be amended from time to time.

(2) A primary caregiver must be located outside of a 1,000-foot radius from any real property where children are regularly present, comprising specifically of: a daycare facility; a church, synagogue, or other place of religious worship; a recreational park, public community center, private youth center, playground, public swimming pool, or video arcade facility; a public or private preschool, elementary school, middle school, high school, community college, vocational or secondary school, a public or private college, junior college, or university; any and all other schools that have different name references but serve students of the same age; or housing facilities owned by a public housing authority.

(3) Not more than one primary caregiver within a single-family dwelling shall be permitted to service qualifying patients who do not reside with the primary caregiver.

(4) Not more than five qualifying patients shall be assisted with the medical use of marihuana within any given calendar week.

(5) All medical marihuana shall be contained within the main residential structure in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the primary caregiver or qualifying patient.

(6) All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting, and/or watering devices are located, installed, or modified that support the cultivation, growing, or harvesting of marihuana.

(7) If a room with windows is utilized as a marihuana growing location, any lighting methods that exceed usual residential use between the hours of 11:00 p.m. and 6:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that causes or creates a distraction or nuisance to adjacent residential properties.

(8) Nothing in this section or in any companion regulatory provision adopted in any other provision of this section is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the Act and the Administrative Rules and this section. To this end, the sale, distribution, cultivation, manufacture, possession, delivery, or transfer of marihuana to treat or alleviate a qualifying patient shall only be conducted as a home occupation, and shall not be permitted in any other zoning classification of this chapter. Also, since federal law is not affected by the Act or the Administrative Rules, nothing in this section or in any companion regulatory provision adopted in any other provision of this section is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. Neither this section nor the Michigan Medical Marihuana Act, being M.C.L.A. §§ 333.26421 et seq., protects users, caregivers or the owners of properties on which the medical use of marihuana is occurring from federal prosecution, or from having his or her property seized by federal authorities under the Federal Controlled Substances Act, being 21 U.S.C. §§ 801 et seq.

(9) Patients may visit the site only during the hours of 8:00 a.m. to 8:00 p.m. No more than five patients may visit the site in any single day, and no more than two patients shall be on the premises at any one time.

(Ord. passed 7-30-2015; amended 6- -2011; Ord. 17-04, passed 5-10-2017) Penalty, see §155.999

ZONING DISTRICTS

§ 155.075 DISTRICT.

The township is hereby divided into the following zoning districts.

| Letter | District Name | Chapter Section |
|---------------|--------------------------------|------------------------|
| AR | Agricultural/Rural Residential | § 155.078 |
| C | Commercial | § 155.083 |
| IND | Industrial | § 155.084 |
| MHP | Manufactured Home Park | § 155.082 |
| R-1 | Single-Family Residential | § 155.080 |
| R-2 | Residential | § 155.081 |
| WD | Waterfront District | § 155.079 |

(Ord. passed 7-30-2015)

§ 155.076 ZONING MAP.

(A) The locations and boundaries of the zoning districts are hereby established as shown on a map, as the same may be amended from time to time, entitled the Silver Creek Township Zoning Map, which accompanies the Township Zoning Ordinance and is hereby adopted by reference and made a part of this section as if set out at length herein.

(B) Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply.

(1) Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow those centerlines.

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines.

(3) Boundaries indicated as approximately following township boundaries shall be construed as following township boundaries.

(4) Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following the shorelines or lake or stream beds,

and in the event of change in the location of shorelines or lake or stream beds, shall be construed as moving with the shoreline and lake or stream bed.

(5) Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of 200 feet from the front lot line.

(6) Boundaries indicated as approximately following property lines, section lines, or other lines of a government survey shall be construed as following such property lines, section lines, or other lines of a government survey as they exist as of the effective date of this chapter or applicable amendment thereto.

(C) When there is any question as to the location of any boundary line between zoning districts which cannot be resolved by the rules stated above, upon a request for an interpretation of the zoning maps, the Zoning Board of Appeals shall establish the boundary based upon said maps and all available information relating thereto and shall establish the boundaries to carry out the intent and purposes of this chapter and the Master Plan.

(D) Whenever all or part of a street, alley, or other public way is vacated, it shall automatically become a part of the district to which it attaches. If a vacated area is bordered by two different districts, the area is divided along a line half way between them according to the adjacent district, unless the Township Board shall otherwise designate.

(Ord. passed 7-30-2015)

§ 155.077 AREAS NOT INCLUDED WITHIN A DISTRICT.

In every case where land has not been included within a district on the zoning map, it shall be in the AR Zoning District, or as determined by the Zoning Board of Appeals.

(Ord. passed 7-30-2015)

§ 155.078 AR AGRICULTURAL/RURAL RESIDENTIAL DISTRICT.

(A) *Description and purpose.* This district is intended for large tracts used for farming, or those which are idle, and single-family dwellings. It is intended for agricultural uses, other uses generally associated with agriculture, single-family residential development on larger lots, and related non-residential uses. The overall purpose of this district is to preserve larger tracts of land for agricultural use and to allow for residential development at appropriate densities.

(B) *Permitted uses.* Land and/or buildings in the AR District may be used for the following purposes as permitted uses:

- (1) Farms for both general and specialized farming, together with farm dwelling and buildings and other installations useful to such farms;
- (2) Detached, single-family dwellings;
- (3) Family day care;
- (4) State licensed residential family care facilities;
- (5) Home based business in accordance with the requirements of §155.033 and home occupations in accordance with the requirements of §155.034;
- (6) Private schools, churches, libraries, parks, playgrounds, and community center buildings;
- (7) Accessory buildings, structures, and uses customarily incidental to any permitted or special land use;
- (8) Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems;
- (9) Open space developments in accordance with the provisions of §155.179, except that the special land use approval procedures shall not be required;
- (10) Road side stands for sale of produce; and
- (11) Farm markets and agricultural tourism business.

(C) *Special land uses.* Land and/or buildings in the AR District may be used for the following purposes, following approval by the Planning Commission as a special land use as regulated by § 155.150:

- (1) Country clubs, golf courses, riding stables, gun clubs, and publicly-owned athletic grounds and parks, and other similar uses, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use;
- (2) Removal and processing of topsoil, stone, rock, sand, gravel, lime, or other soil or mineral resources;
- (3) Public or private campgrounds;
- (4) Commercial kennels;
- (5) Bed and breakfast establishments;
- (6) Intensive livestock operations;
- (7) Planned unit developments;
- (8) Recreational vehicle and boat storage;
- (9) Private hunting facilities; and
- (10) Rental halls.

(D) *District regulations.* No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

| | |
|-----------------------------------|---------------------|
| Building height | 35 feet |
| Front yard | 50 feet |
| Lot coverage | 25% |
| Minimum dwelling first floor area | 850 square feet |
| Minimum dwelling width | 23 feet |
| Minimum lot area | 1 acre |
| Minimum lot width | 200 feet |
| Rear yard | 30 feet |
| Side yard | 30 feet (each side) |

(E) *Site plan review.* See §§ 155.095 through 155.101.

(F) *Off-street parking and loading/signs.* See §§ 155.115 through 155.118 and Chapter 153.

(Ord. passed 7-30-2015; amended 8- -2005; amended 2- -2012; amended 3- -2013; Ord.19-20, passed 8-6-2019)

§ 155.079 WD WATERFRONT DISTRICT.

(A) *Description and purpose.*

(1) The Waterfront District is characterized by uses which are strongly oriented toward the residential and recreational experience and enjoyment of the waterways and shorelines of the township.

(2) The purpose of these regulations is to recognize the unique physical, economic, and social attributes of waterfront and shoreline properties and to ensure that the structures and uses in this District are compatible with and protect these unique attributes. Such physical, economic, and social attributes will be protected by permitting and regulating watercraft, private piers, docks, and hoists incidental to the structures located on the waterfront and shoreline properties.

(B) *Permitted uses.* Land and/or buildings in the WD District may be used for the following purposes as permitted uses:

- (1) Detached, single-family dwellings;
- (2) Family day care;
- (3) State licensed residential family care facilities;
- (4) Home occupations in accordance with requirements of §155.034;
- (5) Schools, churches, libraries, parks, playgrounds, and community center buildings;
- (6) Private boat docks, accessory to residential uses, shall be used only by persons and their guests residing on the premises, and shall not be leased, rented, or otherwise made available for compensation, except in conjunction with the lease or rental of the dwelling unit on the same lot, unless approved as a marina, subject to requirements of this division (C);
- (7) Docking, anchoring, and moorage of non-recreational watercraft subject to Chapter 90 of this code of ordinances;
- (8) Accessory buildings, structures, and uses customarily incidental to any permitted or special land use;
- (9) Permanent pier; and
- (10) Permanent boat hoist.

(C) *Special land uses.* Land and/or buildings in the WD Waterfront District may be used for the following purposes, following approval by the Planning Commission as a special land use as regulated by §§ 155.130 through 155.136:

- (1) Public or private campgrounds;
- (2) Public or private boat launches;
- (3) Marinas;
- (4) Private docks accessory to non-residential land uses;
- (5) Planned unit developments; and
- (6) Private dock on vacant residential parcel.

(D) *District regulations.*

- (1) The regulations of this section apply to all parcels or lots having frontage on a waterway and as indicated on the zoning map.

| | | |
|-----------------------------------|------------------------------------|--|
| Front Yard (Waterfront) | | 30 Feet (See division (D)(3) below) |
| Front Yard (Waterfront) | | 30 Feet (See division (D)(3) below) |
| Side yard | Lots greater than 40 feet in width | 7 feet |
| | Lots 40 feet and less in width | 5 feet |
| Rear yard | Lots 80 feet and greater in depth | 20 feet |
| | Lots less than 80 feet in depth | 8 feet |
| Building height | | 35 feet maximum |
| Lot coverage | | 30% maximum |
| Minimum lot area | | 6,000 square feet |
| Minimum lot width | | 60 feet |
| Minimum dwelling first floor area | | 850 square feet total |
| Minimum dwelling width | | 23 feet |

(2) In no event shall a parcel of land abut a human-made canal or channel, and no canal or channel shall be excavated for the purpose of increasing the separate frontage required by this chapter.

(3) The front yard shall be measured from the edge of the road right-of-way or easement closest to the dwelling if a road separates dwellings from the lake.

(4) An open, unenclosed, and uncovered porch, or deck, exceeding more than 18 inches off the ground, may not project into a required yard setback. A balcony or window awning shall not project into any required yard setback.

(5) The permanent storage of gasoline, oil, diesel, or other fuel is permitted in the WD District with the following conditions.

(a) *Aboveground storage tanks (ASTs).*

- 1. All ASTs with a capacity larger than 1,100 gallons or for commercial use shall be subject to facility registration requirements of the State of Michigan.
- 2. All ASTs greater than 660 gallons or facilities with a total storage of greater than 1320 gallons shall comply with the State of Michigan's Part 5 Spillage of Oil and Polluting Materials administrative rules, as applicable.
- 3. All ASTs with a capacity of less than 1,100 gallons and for private use shall meet all the requirements of the Storage of Flammable and Combustible Liquids Rules of the Michigan Fire Prevention Code, and:
 - a. Shall be located 50 feet from the nearest private well;
 - b. Shall be located 50 feet or more from any building;
 - c. Shall be maintained leak-free and structurally sound;

- d. Fill and dispensing apparatus shall remain locked at all times the tank is not actively being filled or the contents are not actively being dispensed; and
- e. Shall be located at least 50 feet from all surface water or wetlands except where the following additional conditions are met:
- i. The tank's capacity is less than 300 gallons;
 - ii. The tank is of double wall construction with a method of detection if the inner wall leaks;
 - iii. Secondary containment reservoir of concrete or other impervious material is provided and maintained in the amount of the capacity of the tank(s) to contain leakage; and
 - iv. A certificate of insurance is provided on an annual basis and shall be site specific to the location, with liability limits of \$1,000,000 minimum, naming the township as co-insured protecting against environmental contamination.

(b) *Underground storage tanks (USTs)*. Are subject to the laws and permitting requirements of the State of Michigan.

(E) *Site plan review*. See §§ 155.095 through 155.101.

(F) *Off-street parking and loading/signs*. See §§ 155.115 through 155.118 and Chapter 153.

(G) *Watercraft and docking*.

(1) *Application to planned unit developments*. The provisions of this division (G) cannot be overridden in or by an approved planned unit development under the Township Zoning Ordinance.

(2) *Leasing or renting of dock space*. Leasing or renting of dock space or moorage is hereby prohibited except in conjunction with the lease or rental of the dwelling unit on the same lot or as permitted in approved marinas.

(3) *Number of docks*. One pier or dock shall be allowed, used, or installed for each platted lot or parcel meeting all legal minimum water frontage, area, and width requirements imposed by the Township Zoning Ordinance for the zoning district in which the lot or parcel is located. On a parcel with more than 100 feet of contiguous frontage (measured at the ordinary high water mark), a second pier or dock may be allowed.

(4) *Common docks*. Two adjoining lots or parcels which have frontage directly on a lake may share one common dock being utilized in total for both parcels if the dock is safe and consistent with free navigability, meets all applicable requirements of this chapter, and the same is approved by the township in writing. No other docks shall be allowed for the two lots or parcels except the approved one common dock.

(5) *Permanent pier (dock)*. Permanent pier (dock) shall be allowed as a permitted use in the WF District, provided all the following conditions have been met:

- (a) Michigan Department of Environmental Quality (DEQ) permit has been obtained;
- (b) All requirements of §§ 155.270 through 155.278 have been met; and
- (c) The permanent pier serves one single-family residential property, except as otherwise permitted by this chapter.

(6) *Permanent boat hoist*. The construction of a permanent boat hoist for single-family residential, recreational watercraft use shall be allowed as a permitted use in the WF District provided the following conditions have been met:

- (a) Michigan Department of Environmental Quality (DEQ) permit has been obtained;
- (b) All requirements of §§ 155.270 through 155.278 have been met; and
- (c) The structure shall not have permanent covers, sides, or roofs. Temporary covers made of canvas or fabric can be included.

(7) *Boat storage device design requirements*. Each boat cradle, boat lift, or shore station placed on any frontage shall meet all of the following requirements, in addition to the other requirements of this chapter:

- (a) It shall not have a rigid roof and/or walls other than the support structure and vinyl covering kits provided by manufactures of cradles and lifts;
- (b) It shall not have tracks or appurtenances extending onto dry land;
- (c) All portions of the device shall be located lakeside of the shoreline when in use during the boating season;
- (d) It shall be designed so that watercraft are removed from the water and are stored above the water; and
- (e) It shall not be designed or used for more than one watercraft, except those designed for personal watercraft which may hold no more than two personal watercraft.

(8) *Channels and canals*. No watercraft shall be launched, moored, or utilized in any human-made channel or canal which has no other lake frontage. Furthermore, no dock or mooring shall be allowed, used, or installed in human-made channel or canal or at any property abutting any human-made channel or canal. This section shall not apply to any channel or canal which lawfully existed prior to adoption of this chapter, nor to any properties which abutted or fronted on any such channel or canal lawfully in existence prior to that date.

(9) *Continuation of lawful existing uses*. The lawful moorage, docking, or launching of watercraft or boats or usage of piers, docks, hoists, shore stations, boat cradles, or rafts on or from a particular lot, parcel, or separate frontage occurring prior to the date of adoption of this chapter shall be permitted to continue without change; however, any change, alteration, or expansion of such prior usage which occurs after the date this chapter becomes effective shall fully comply with the provisions of this chapter. For purposes of this division (G)(10), normal maintenance and repair of docks due to normal wear and tear shall not be deemed a change, alteration, or expansion of prior usage. The burden of asserting a defense under this division (G)(10) is on the property owner who asserts a lawful existing use.

(Ord. passed 7-30-2015; amended 11- -2013; Ord. 16-01, passed 2-10-2016; Ord. 16-03, passed 11-9-2016)

§ 155.080 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) *Description and purpose*. This District is intended for larger lots used for single-family dwellings. The overall purpose of this District is to allow the use of larger lots for residential development without sewer services and certain related non-residential uses. Farming operations being conducted within this District shall be allowed to continue.

(B) *Permitted uses*. Land and/or buildings in the R-1 District may be used for the following purposes as permitted uses:

- (1) Detached single-family dwellings;
- (2) Family day care;
- (3) State licensed residential family care facilities;
- (4) Home occupations in accordance with the requirements of §155.034; and
- (5) Accessory buildings, structures, and uses customarily incidental to any permitted or special land use.

(C) *Special land uses*. Land and/or buildings in the R-1 District may be used for the following purposes, following approval by the Planning Commission as a

special land use as regulated by §§ 155.130 through 155.136:

- (1) Country clubs, golf courses, and publicly owned athletic grounds and parks, including related uses such as snack bars, small retail shops selling goods directly related to the primary use;
- (2) Roadside stands for sale of produce;
- (3) Private schools, churches, libraries, parks, playgrounds, and community center buildings;
- (4) Planned unit developments;
- (5) Bed and breakfast establishments;
- (6) Open space developments; and
- (7) Utility and public service buildings without storage yards, but not including essential public services such as poles, wires, and underground utility systems.

(D) *District regulations.* No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

| | |
|-----------------------------------|---|
| Building height | 35 feet |
| Front yard | 30 feet |
| Lot coverage | 25% |
| Minimum dwelling first floor area | 850 square feet total |
| Minimum dwelling width | 23 feet |
| Minimum lot area | 12,000 square feet with sewer 21,500 square feet without sewer |
| Minimum lot width | 75 feet |
| Rear yard | 30 feet |
| Side yard | 10 feet minimum (each side) |

(E) *Site plan review.* See §§ 155.095 through 155.101.

(F) *Off-street parking and loading/signs.* See §§ 155.115 through 155.118 and Chapter 153.

(Ord. passed 7-30-2015)

§ 155.081 R-2 RESIDENTIAL DISTRICT.

(A) *Description and purpose.* This District is primarily intended for residential uses at higher densities than otherwise allowed in the other residential districts. Certain related non-residential uses are also provided. As with the other residential districts, farming operations being conducted within this District shall be allowed to continue.

(B) *Permitted uses.* Land and/or buildings in the R-2 District may be used for the following purposes as permitted uses:

- (1) Detached single-family dwellings;
- (2) Family day care;
- (3) State licensed residential family care facilities;
- (4) Home occupations in accordance with the requirements of §155.034;
- (5) Home based businesses in accordance with the requirements of §155.033; and
- (6) Accessory buildings, structures, and uses customarily incidental to any permitted or special land use.

(C) *Special land uses.* Land and/or buildings in the R-2 District may be used for the following purposes, following approval by the Planning Commission as a special land use as regulated by §§ 155.130 through 155.136:

- (1) Two-family dwellings;
- (2) Multiple-family dwellings;
- (3) State licensed residential group care facilities;
- (4) Group and commercial day care homes and facilities;
- (5) Private schools, churches, libraries, parks, playgrounds, and community center buildings;
- (6) Planned unit developments;
- (7) Bed and breakfast establishments;
- (8) Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems; and
- (9) Public and private campgrounds

(D) *District regulations.* No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

| | |
|-------------------------------------|---|
| Building height | 35 feet |
| Front yard | 30 feet |
| Lot coverage | 25% |
| Minimum dwelling - first floor area | Single-family dwellings - 850 square feet total |
| | Two-family dwellings - 850 square feet total per unit |
| | Multiple-family dwellings - 850 square feet total (1 or 2 bedroom units); 100 square feet for each additional bedroom |
| Minimum dwelling width | 23 feet |

| | |
|----------------------------|--|
| Minimum lot area and width | Single-family dwellings area - 12,000 square feet with sewer; area 21,500 square feet without sewer lot width-75 feet. |
| | Two-family dwellings area - 18,000 square feet with sewer; area, 1 acre without sewer; lot width-100 feet |
| | Multiple-family area - 1 acre; lot width-150 feet |
| Rear yard | 50 feet |
| Side yard | Single- and two-family dwellings - 10 feet minimum (each) |
| | Multiple-family dwellings - 30 feet (each) |
| | Non-residential buildings - 30 feet (each) |

(E) *Site plan review.* See §§ 155.095 through 155.101.

(F) *Off-street parking and loading/signs.* See §§ 155.115 through 155.118 and Chapter 153.

(Ord. passed 7-30-2015)

§ 155.082 MHP MANUFACTURED HOME PARK DISTRICT.

(A) *Description and purpose.* The Manufactured Home Park District is intended to provide regulations for manufactured home residential developments to provide for additional variety in housing opportunities and choices.

(B) *Permitted uses.* Land and/or buildings in the MHP District may be used for the following purposes as permitted uses:

- (1) Manufactured homes located in a state-licensed manufactured home park;
- (2) Manufactured home parks in accordance with the requirements of division (D) below;
- (3) State licensed residential family care facilities; and
- (4) Accessory buildings, structures, and uses customarily incidental to any permitted or special land use.

(C) *Special land uses.* Land and/or buildings in the MHP District may be used for the following purpose, following approval by the Planning Commission as a special land use as regulated by §§ 155.130 through 155.136: utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.

(D) *Regulations for licensed manufactured home parks.*

(1) All manufactured home parks shall comply with the applicable requirements of Public Act 96 of 1987, being M.C.L.A. §§ 125.2301 through 125.2350, as amended, provided further that these developments meet the standards and conditions and all other provisions as herein established.

(2) The parking of more than one manufactured home on a single parcel of land or on two or more adjoining parcels of land under common ownership shall be illegal in the township, irrespective of the requirements of any other ordinance of the township, unless such parcel or parcels of land shall have been approved as a licensed manufactured home park under the provisions of this chapter.

(3) No manufactured home shall be occupied within the park area until such time as a manufactured home occupancy permit shall be issued by the Building Inspector. The permit shall be for a one-year duration. The permit shall be issued by the Building Inspector on payment by the owner of the manufactured home park of a fee, which shall be established from time to time by the Township Board for each manufactured home park lot.

(4) The manufactured home park occupancy permit shall be issued by the Building Inspector only after inspection of the premises, and after making a finding that the conditions as set forth below have been fulfilled and complied with by the developer. A permit may be issued if weather conditions or other temporary obstructions make complete compliance impossible. In such case, the Zoning Administrator may require the submission of a performance guarantee, in accordance with the provisions of Section 19.09, covering the cost of the necessary improvements, provided that such improvements are completed within six months from the date of the request for the permit.

(5) All applications for manufactured home parks must be approved by the Township Board, upon the recommendation of the Planning Commission, in accordance with the provisions of this section.

(6) The Planning Commission and Township Board shall consider the following standards when considering an application for a manufactured home park:

- (a) Whether the proposal is in accordance with the Master Plan;
- (b) Whether the proposal meets all the design standards of this chapter, other applicable local codes, regulations, and ordinances, and applicable state and federal requirements;
- (c) Whether the density of the proposed development could adversely affect adjacent properties and land uses;
- (d) Whether the proposed development can be reasonably expected to constitute a health hazard or public nuisance to adjacent properties because of inappropriate or inadequate sanitation and/or drainage facilities;
- (e) Whether the proposed development produces excessive demands on available fire and police protection or other community services; and
- (f) Whether the traffic characteristics of the proposed development may create a hazard or place an excessive burden on adjacent public roads or pedestrian facilities.

(7) All manufactured home parks shall be designed and developed in accordance with the requirements of the regulations of the State of Michigan, and the following.

- (a) Minimum site size for a manufactured home park shall be ten acres.
- (b) A minimum of 50 manufactured home sites shall be provided in the manufactured home park.
- (c) Each manufactured home park site shall have direct access to an arterial or collector street, as defined by the County Road Commission or the Master Plan.
- (d) No access to the site shall be located closer than 200 feet from the centerline of the intersection of any arterial street.
- (e) Minimum street pavement widths within the manufactured home park shall be in accordance with the following schedule.

| Parking Permitted | Direction | Minimum Street Pavement Width |
|--------------------------|------------------|--------------------------------------|
| No on-street parking | One-way | 14 feet |

| | | |
|--|---------|---------|
| | Two-way | 20 feet |
| Parallel parking on one side of street | One-way | 20 feet |
| | Two-way | 30 feet |
| Parallel parking on both sides of street | One-way | 26 feet |
| | Two-way | 36 feet |

(f) All streets within the manufactured home park shall be of bituminous aggregate or similar surface, meeting County Road Commission construction specifications. Curbing shall also be provided. Lighting shall be provided by proper posts or overhead lamps to provide adequate lighting for all streets within the manufactured home park.

(g) Each lot shall front on sidewalks at least five feet in width, located directly next to and parallel to the street.

(h) No more than one manufactured home shall be parked on any one lot, and no manufactured home shall be occupied by more than one family.

(i) The front, rear, and side yards of every lot shall be landscaped with grass and properly maintained thereafter. At least one shade tree shall be provided for every two lots. Trees shall be located to provide shade for manufactured home park sites.

(j) Setback/buffers.

1. The nearest building of the manufactured home park shall be set back a minimum of 100 feet from the right-of-way of any adjacent public street. This setback shall be properly landscaped with grass and maintained by the owner and/or operator of the manufactured home park.

2. The manufactured home park shall provide a minimum of a 50-foot buffer strip separating the manufactured home park from adjacent property. This strip shall be landscaped with trees or shrubbery planted in such a manner as to provide a screen at least five feet in height. No part of this strip shall be used for any structure, right-of-way, drive, or parking space.

3. The setback area and buffer strip shall be maintained by the owner and/or operator of the manufactured home park.

(k) The following requirements shall be met for each lot.

| Manufactured Home Park Lot Requirements | | | | |
|--|-------|--|---|---------|
| Manufactured Home Park Lot Requirements | | | | |
| Minimum lot area | | 6,500 square feet | | |
| Minimum lot width | | 50 feet | | |
| Maximum building height | | 1 story or 25 feet, whichever is higher | | |
| Required parking spaces | | 2 spaces | Must be off-street and paved | |
| Setback | Front | 20 feet, measured from inside the sidewalk | Includes any part of any manufactured home and/or structure permanently or temporarily attached thereto (excluding hitch), or used in conjunction therewith, including, but not limited to, storage sheds, cabanas, and porches | |
| | Side | Entry | | 10 feet |
| | | Non-entry | | 5 feet |
| | Rear | | | 10 feet |

(8) The following utility standards shall apply to all manufactured home parks.

(a) All utilities shall be underground.

(b) All lots shall be served by an approved water and sanitary sewer service system, as determined by the County Health Department, and all manufactured homes shall be connected thereto. All expense of installation and connection shall be borne by the owner or operator of the manufactured home park.

(c) The manufactured home park shall provide sufficient storm sewer facilities, independent of sanitary sewers, to prevent flooding of either streets or lots. On-site storm water detention or retention may be required where deemed necessary by the Township Engineer. All storm drainage and surface drainage facilities shall be approved by the County Drain Commission.

(9) Manufactured home standards.

(a) All manufactured homes within the manufactured home park shall be set up in accordance with the State of Michigan Manufactured Home Commission rules and regulations applicable to manufactured home pad design and set up.

(b) All manufactured homes shall have a minimum width of 14 feet across any horizontal surface, exclusive of carports or overhangs.

(10) Recreation and shelter facilities. The manufactured home park shall contain one or more recreation and common playground areas intended primarily for the use of the residents of the manufactured home park residents. A minimum of 250 square feet for every manufactured home park lot shall be provided. Buffer strip areas shall not be counted toward this requirement.

(11) Inspection and permits.

(a) The Building Inspector or such other person designated by the Township Board shall inspect the manufactured home park at least once each year. The fee for such inspection shall be determined by the Township Board.

(b) In the event that the Building Inspector or such other designated person find that the condition of the manufactured home park is such that it does not comply with the safeguards and conditions as set out in this section, he or she shall serve written notice upon the owner or operator of such manufactured home park of such defects. The notice shall include a demand that such defects or deficiencies be corrected within 30 days of receipt of the notice.

(c) In the event that the owner or operator of the manufactured home park does not correct the deficiencies within the 30-day period, either the owner or operator of the manufactured home park or the Building Inspector may request that the Township Board set a date for a public hearing on the defects or deficiencies. The hearing shall be held by the Township Board, provided that the notice is given to the owner and operator of the manufactured home park, and that such notice is posted in three prominent places within the manufactured home park at least 30 days prior to the hearing.

(d) At the date of the hearing, the Township Board may amend or modify the terms of the original notice, or if the modifications thereof shall not be corrected within the 30 days allowed for corrections to be made, or any extension thereof, the township, in order to preserve the health and welfare of the residents of the township and the value of the properties of the residents within the manufactured home park, and to prevent the manufactured home park from becoming a public nuisance, may enter upon the manufactured home park and correct the defects and/or deficiencies or may revoke the approval for the manufactured home park and order it closed.

(12) Manufactured home sales.

(a) No person desiring to rent a dwelling unit site shall be required, as a condition of such rental, to purchase a manufactured home from the owner or operator of the manufactured home park as long as the manufactured home intended to be located on such site conforms in size, style, shape, price, or other such requirements as may be required by any reasonable manufactured home park rules and regulations.

(b) Nothing contained in this chapter shall be deemed as prohibiting the sale of a manufactured home located on a manufactured home lot by the individual owner or his or her agent, or those home occupants as permitted in this chapter, provided that a manufactured home sales lot shall not be permitted in conjunction with any manufactured home park.

(13) All persons, including but not limited to township officials or police officers, whose entry upon the manufactured home park property is necessary, proper, or advisable in the execution of their governmental duties, or to the execution of work authorized by a governmental body, or for the preservation of the peace, shall have the right to enter upon and inspect the manufactured home park at all reasonable times. (See M.C.L.A. §§ 125.2307 and 125.2317)

(Ord. passed 7-30-2015)

§ 155.083 C COMMERCIAL DISTRICT.

(A) *Description and purpose.* This District is intended to accommodate uses which can provide office, personal services, and commercial goods for visitors to and residents of the township, including auto-related uses which would ordinarily be incompatible with the character of residential districts. It is intended to serve primarily traffic along major county roadways and to contain uses which require access to and frontage on such roadways.

(B) *Permitted uses.* Land and/or buildings in the C District may be used for the following purposes as permitted uses:

- (1) Office buildings for any of the following occupations: executive, administrative, professional, accounting, drafting, and medical and dental offices and clinics;
- (2) Banks, credit unions, savings and loan associations, including those with drive-through facilities;
- (3) Personal service establishments conducting services on the premises, including barber and dry-cleaning service outlets, beauty shops, fitness centers, and travel agencies;
- (4) Retail stores, providing goods within a completely enclosed building;
- (5) Drug stores and pharmacies;
- (6) Restaurants, exclusive of drive-through facilities;
- (7) Private clubs, fraternal organizations, and lodge halls;
- (8) Dry-cleaning and laundry establishments performing cleaning operations on the premises, including retail/service operations;
- (9) Indoor recreational facilities;
- (10) Commercial child care centers;
- (11) Utility and public service buildings without storage yards, but not including essential public services such as poles, wires, and underground utility systems;
- (12) Accessory buildings, structures, and uses customarily incidental to any permitted or special land use; and
- (13) Bulk fuel storage (propane).

(C) *Special land uses.* Land and/or buildings in the C District may be used for the following purposes following approval by the Planning Commission as a special land use as regulated by §§ 155.130 through 155.136:

- (1) Commercial greenhouses and nurseries;
- (2) Commercial kennels;
- (3) Funeral homes and mortuary establishments;
- (4) Hotels and motels;
- (5) Theaters, or similar places of public assembly as determined by the Zoning Administrator;
- (6) Restaurants with drive-through facilities;
- (7) Vehicle service stations, with or without mechanical repair;
- (8) Open air businesses;
- (9) Veterinary hospitals and animal clinics;
- (10) Commercial storage warehouses;
- (11) Churches;
- (12) Planned unit developments;
- (13) Marinas;
- (14) Light industrial processing;
- (15) Vehicle sales; and
- (16) Body shops.

(D) *District regulations.* No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

(1) The outdoor storage of goods or materials shall be prohibited in the required front yard. Goods or materials stored in the side or rear yard shall be screened from the view from the street or from abutting properties.

| | |
|-------------------|----------------------|
| Building height | 35 feet |
| Front yard | 75 feet |
| Lot coverage | 40% |
| Minimum lot area | 1 acre |
| Minimum lot width | 150 feet |
| Rear yard | 30 feet |
| Side yard | 30 feet on each side |

(2) A maximum of one driveway per street shall be permitted per principal use, or collective principal use, as defined in §155.022.

(3) The Planning Commission may permit additional driveways, if justified by a traffic study provided by the applicant or owner indicating the need for such additional driveways.

(4) Parking lots and driveways providing access to corner lots shall be required to gain sole access from the lesser traveled of the two intersecting streets. For the purposes of this division (D)(4), **LESSER TRAVELED** shall mean the street having the lowest daily traffic volume, or as may be determined by the Planning Commission where traffic count information is not available or was counted more than two years prior to the date of the application submission.

(E) *Site plan review.* See §§ 155.095 through 155.101.

(F) *Off-street parking and loading/signs.* See §§ 155.115 through 155.118 and Chapter 153.

(Ord. 03-02, passed 7-2-2003; Ord. passed 7-30-2015; amended 8- -2005; Ord. 19-17, passed 6-12-2019)

§ 155.084 IND INDUSTRIAL DISTRICT.

(A) *Description and purpose.* This District is intended to accommodate wholesale, warehousing, light manufacturing, storage, and other industrial-related uses which have minimum potential impact on surrounding property.

(B) *Permitted uses.* Land and/or buildings in the IND District may be used for the following purposes as permitted uses:

(1) Research and development facilities, including production activities;

(2) Wholesale establishments;

(3) The manufacture, compounding, processing, packaging, warehousing, or treatment of such products as foodstuffs (excepting slaughterhouses or other similar uses), cosmetics, pharmaceuticals, pottery or other ceramic products, musical instruments, toys, furniture, molded rubber products, electrical appliances, electronic instruments, signs, light sheet metal products, hardware, tool, dye, gauge, and machine shops, excluding stamping operations;

(4) Laboratories (experimental, film, or testing);

(5) Dry-cleaning and laundry establishments performing cleaning operations on the premises, excluding retail/service operations;

(6) Utility and public service buildings, including storage yards, but not including essential public services such as poles, wires, and underground utility systems;

(7) Contractor's showrooms and storage yards;

(8) Body shops; and

(9) Accessory buildings, structures, and uses.

(C) *Special land uses.* Land and/or buildings in the IND District shall be used for the following purposes when approved by the Planning Commission in accordance with the requirements of §§ 155.130 through 155.136:

(1) Sexually oriented businesses;

(2) Lumber and planing mills;

(3) Metal plating, buffing, and polishing;

(4) Commercial storage warehouses;

(5) The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations; and

(6) Junk yards, salvage, or impound yards.

(D) *District regulations.* No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

(1) The outdoor storage of goods or materials shall be screened from the view from the street or from abutting properties.

(2) All industrial activities shall be conducted wholly within a completely enclosed building, except for loading and unloading operations and on-site parking of vehicles.

| | |
|-------------------|--|
| Building height | 40 feet |
| Front yard | 100 feet |
| Lot coverage | 50% |
| Minimum lot area | 2 acres |
| Minimum lot width | 200 feet |
| Rear yard | Abutting AR, R-1, R-2, or MHP lot - 100 feet |
| | Abutting other districts - 50 feet |
| Side yard | Side abutting AR, R-1, R-2, or MHP lot - 75 feet |
| | Side abutting other districts - 50 feet |

(E) *Site plan review.* See §§ 155.095 through 155.101.

(F) *Off-street parking and loading/signs.* See §§ 155.115 through 155.118 and Chapter 153.

(Ord. passed 7-30-2015)

SITE PLAN REVIEW

§ 155.095 PURPOSE.

The intent of this subchapter is to provide for consultation and cooperation between the applicant and the Township Planning Commission in order that the objectives of the applicant may be accomplished in the utilization of the land which is the subject of the site plan within the regulations of this chapter and with minimum adverse effect on the use of adjacent streets and highways, and on existing and future uses and environment in the immediate area and vicinity.

(Ord. passed 7-30-2015)

§ 155.096 SITE PLANS REVIEWED.

(A) The Zoning Administrator shall not issue a zoning compliance permit for any principal use until a site plan has been reviewed and approved by the

Planning Commission under the following circumstances:

- (1) Site condominiums;
 - (2) Special land uses in any district; and
 - (3) Expansions, alterations, and additions to permitted uses and special land uses allowed by this chapter, unless otherwise accepted in division (A) above.
- (B) As otherwise might be required in this chapter.
- (C) All plans not reviewed by the Planning Commission shall be approved by the Zoning Administrator, who shall ensure that the site plan is in conformance with this chapter.
- (D) Review of a site plan for open space developments, planned unit developments, and private roads is also required in accordance with the procedures noted in this chapter.

(Ord. passed 7-30-2015)

§ 155.097 APPLICATION PROCEDURES.

(A) An application for site plan review, plus either a preliminary or final site plan (nine copies), shall be submitted at least 15 days prior to the next Planning Commission meeting through the Zoning Administrator who will review the application and plans for completeness, then transmit them to the Planning Commission.

(B) An application for site plan review shall consist of the following:

- (1) Nine copies of the preliminary or final site plan;
- (2) A completed application form, as provided by the township;
- (3) Payment of a fee in accordance with a fee schedule, as determined by the Township Board from time to time;
- (4) A legal description of the entire property which is the subject of the site plan review; and
- (5) Other materials as may be required by the Planning Commission.

(Ord. passed 7-30-2015)

§ 155.098 PRELIMINARY SITE PLAN REVIEW.

(A) A preliminary site plan (nine copies) may be submitted for review by the Planning Commission prior to final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Planning Commission, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.

(B) Preliminary site plans shall include the following, unless deemed unnecessary by the Zoning Administrator:

- (1) Small scale sketch of properties, streets, and use of land within one-half mile of the area;
- (2) A site plan at a scale of not more than one inch equals 100 feet showing all existing or proposed arrangement of:
 - (a) Existing adjacent streets and proposed streets;
 - (b) Lots;
 - (c) Parking lots and access points;
 - (d) Proposed buffer strips or screening;
 - (e) Natural characteristics including, but not limited to, open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets both on the subject property and within 100 feet of the property lines;
 - (f) Location of any signs not attached to the building;
 - (g) Existing and proposed buildings; and
 - (h) General topographical features including contour intervals no greater than ten feet.
- (3) A narrative describing:
 - (a) The overall objectives of the proposed development;
 - (b) Number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space;
 - (c) Dwelling unit densities by type, if applicable;
 - (d) Proposed method of providing sewer and water service, as well as other public and private utilities; and
 - (e) Proposed method of providing storm drainage.

(C) The Planning Commission shall review the preliminary site plan and make such recommendations to the applicant that will likely cause the plan to be in conformance with the review standards required by § 155.100

(Ord. passed 7-30-2015)

§ 155.099 FINAL SITE PLAN REVIEW.

(A) The Planning Commission shall approve, deny, or approve with conditions the final site plan based on the purposes, objectives, and requirements of this chapter and specifically the considerations listed in § 155.100.

(B) The site plan shall include the following information, unless deemed unnecessary by the Zoning Administrator, for Planning Commission review:

- (1) Legal description of the property;
- (2) Small scale sketch of properties, streets, and use of land within one-half mile of the area;
- (3) A narrative describing the items indicated in §155.098(B)(3); and
- (4) Nine copies of a site plan at a scale not to exceed one inch equals 100 feet. The following items shall be shown on the plan:
 - (a) Date of preparation/revision;
 - (b) Name and address of the preparer;
 - (c) The topography of the site at a minimum of five foot intervals and its relationship to adjoining land;

- (d) Existing human-made features;
- (e) Dimensions of setbacks, locations, heights, and size of buildings and structures;
- (f) Street rights-of-way, indicating proposed access routes, internal circulations, and relationship to existing rights-of-way. All driveways or access points within 100 feet of the property lines of the subject property shall also be shown;
- (g) Proposed grading;
- (h) Natural characteristics including, but not limited to, open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets both on the subject property and within 100 feet of the property lines;
- (i) Location and type of drainage, sanitary sewers, storm sewers, and other utilities;
- (j) Location and type of fences, landscaping, buffer strips, and screening;
- (k) Location and type of signs and on-site lighting;
- (l) Proposed parking areas and drives. Parking areas shall be designated by lines showing individual spaces and shall conform with the provisions of §§ 155.117 and 155.118;
- (m) Easements, if any; and
- (n) Dimensions and number of proposed lots.

(C) The Planning Commission, prior to granting approval of a site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s) to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impacts; impact on significant natural features and drainage; soil tests; and other pertinent information.

(Ord. passed 7-30-2015)

§ 155.100 SITE PLAN REVIEW STANDARDS.

The Planning Commission shall review the preliminary and final site plans and approve, approve with conditions, or deny the site plan based on the purposes, objectives, and requirements of this chapter, and specifically, the following considerations when applicable:

- (A) The uses proposed will not harm the public health, safety, or welfare. All elements of the site plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter;
- (B) Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, and other elements shall be designed to promote safe and efficient traffic operations within the site and at its access points;
- (C) The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets in the area;
- (D) The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this chapter. The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property;
- (E) Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or nearby bodies of water. Provisions shall be made to accommodate stormwater, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water;
- (F) All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department and Sheriff's Department;
- (G) All off-street parking, loading and unloading areas, and outside storage areas, including refuse storage stations, shall be screened from the view of the street and/or adjacent properties;
- (H) Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted; and
- (I) The general purposes and spirit of this chapter and the Master Plan of the township.

(Ord. passed 7-30-2015)

§ 155.101 APPROVED SITE PLANS.

- (A) Upon approval of the preliminary or final site plan, the Chairperson or Secretary of the Planning Commission shall sign and date three copies thereof. One signed copy shall be made a part of the Commission's files; one shall be forwarded to the Building Inspector for issuance of a building permit; and one copy shall be returned to the applicant.
- (B) Time limits on site plans.
 - (1) Each development shall be substantially under construction within one year after the date of approval of the final site plan by the Planning Commission.
 - (2) The Planning Commission may grant one six-month extension, provided the applicant applies in writing for the extension prior to the date of the expiration of the final site plan.
 - (3) The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, but is then ready to proceed.
 - (4) Should neither of the aforementioned provisions be fulfilled or a six-month extension has expired without construction underway, the final site plan approval shall be null and void.
- (C) Amendments to an approved site plan may occur only under the following circumstances.
 - (1) The holder of a valid site plan shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
 - (2) Minor changes may be approved by the Zoning Administrator upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Planning Commission. In considering this determination, the Zoning Administrator shall permit the following to be a minor change:
 - (a) Reduction of the size of any building and/or sign;
 - (b) Movement of buildings and/or signs by no more than ten feet;
 - (c) Plantings approved in the site plan landscape plan may be replaced by similar types of landscaping on a one-to-one or greater basis;
 - (d) Changes of building materials to a higher quality, as determined by the Zoning Administrator;

- (e) Changes in floor plans which do not alter the character of the use;
- (f) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design; and/or
- (g) Changes required or requested by the township for safety reasons shall be considered a minor change.

(3) Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, resubmission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

(Ord. passed 7-30-2015)

PARKING

§ 155.115 PARKING, GENERAL REQUIREMENTS.

- (A) Unless otherwise provided for in this chapter, off-street parking shall not be located within the required front yard.
- (B) Off-street parking for all non-residential districts and uses shall be either on the same lot or within 300 feet of the building or use it is intended to serve, measured from the nearest public entrance of the building to the nearest point of the off-street parking lot.
- (C) The storage of merchandise or products, motor vehicles displayed for sale, or the repair of vehicles is prohibited in any off-street parking lot.
- (D) Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. Parking spaces shall be constructed with an asphalt or portland cement binder, graveled, or compacted earth so as to provide a durable and dustless surface, and shall occupy no greater than 33% of the required front yard.
- (E) Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with this chapter.
- (F) Off-street parking existing at the effective date of this chapter, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
- (G) Two or more buildings or uses may collectively provide the required off-street parking.
- (H) The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met.
 - (1) Areas proposed for deferred parking shall be shown on the site plan and shall be sufficient for construction of the required number of parking spaces, in accordance with the standards of this chapter for parking area design and other site development requirements.
 - (2) Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator, and shall require the approval by the Zoning Administrator of an amended site plan submitted by the applicant, accompanied by evidence documenting the justification for the alteration.
- (I) Overnight parking of semi-truck tractors and trailers and commercial vehicles exceeding one and one-half tons shall be prohibited in any residential district.

(Ord. passed 7-30-2015) Penalty, see § 155.999

§ 155.116 PARKING LOT DESIGN STANDARDS.

- (A) Minimum dimensions of parking spaces and maneuvering aisles shall be in accordance with the following requirements.

| <i>Parking Pattern</i> | <i>Two-Way Aisle Width</i> | <i>One-Way Aisle Width</i> | <i>Parking Space Width</i> | <i>Parking Space Length</i> |
|------------------------|----------------------------|----------------------------|----------------------------|-----------------------------|
| Parallel parking | 18 feet | 12 feet | 9 feet | 25 feet |
| 30-75 degree angle | 24 feet | 12 feet | 9 feet | 21 feet |
| 76-90 degree angle | 26 feet | 15 feet | 9 feet | 18 feet |

- (B) Minor adjustments of the dimensions prescribed in this section may be authorized by the Zoning Administrator if consistent with generally recognized design standards for off-street parking facilities.
- (C) All parking lots shall be paved or provided with permeable, durable, and dustless surface and shall be graded and drained so as to dispose of all surface water.
- (D) All parking lots shall be constructed so as to permit proper drainage and prevent puddling or storage of water within the lot. Drainage shall be in accordance with the requirements of the township and the County Drain Commissioner.
- (E) All parking lots shall be provided with adequate lighting. Parking lot lighting shall be shielded so as to prevent light from spilling onto adjacent residential districts or uses.

(Ord. passed 7-30-2015)

§ 155.117 OFF-STREET PARKING REQUIREMENTS.

- (A) Required off-street parking spaces are noted in the table below for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the Planning Commission or Zoning Administrator considers similar in type.
- (B) When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space, that fraction shall require one parking space.
- (C) The minimum number of off-street parking spaces shall be determined in accordance with the following table.

| <i>Use</i> | <i>Parking Space per Unit of Measurement</i> |
|---------------------------|--|
| <i>Use</i> | <i>Parking Space per Unit of Measurement</i> |
| Residential | |
| Single-family dwellings | 2 for each dwelling unit |
| Residential | |
| Two-family dwellings | 2 for each dwelling unit |
| Multiple-family dwellings | 2 for each dwelling unit plus 1 additional space for each 2 units |
| Housing for the elderly | 1 space for each 2 dwelling units, plus 1 for each employee, plus 1 space for each 5 dwelling units to be marked as visitor spaces |

| Institutional | |
|---|---|
| Group day care homes and group state licensed care homes | 1 space for each 4 clients, plus 1 space for each employee |
| Churches, theaters, assembly areas, auditoriums, gymnasiums | 1 space for each 4 seats or each 8 feet of pew length or 1 space for and each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater |
| Private schools, elementary and middle | 2 spaces for each 3 employees, plus amount required for auditorium or gymnasium seating |
| Private schools, secondary and institutions of higher learning | 1 space for each 8 students, plus 1.5 spaces for each classroom, plus amount required for auditorium or gymnasium seating |
| Commercial | |
| Vehicle wash (self service) | 1 space for each 5 stalls |
| Vehicle wash (automatic) | 1 space per each employee |
| Beauty/barber shop | 3 spaces for each chair |
| Bowling alleys | 4 spaces for each bowling lane plus required spaces for each accessory use |
| Assembly halls without fixed seats | 1 space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances |
| Restaurants without drive-through facilities | 1 space for each 100 square feet of UFA or 1 space for each 2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater |
| Restaurants with drive-through facilities | 1 space for each 100 square feet of UFA or 1 space for each VA persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater |
| Commercial | |
| Vehicle service stations | 1 space for each service stall, plus 1 space for each pump island, plus 1 space for each maximum number of employees on the premises at any one time |
| Personal service establishments | 1 space for each 50 square feet of UFA |
| Retail furniture, appliance and household goods | 1 space for each 1,000 square feet of UFA |
| Funeral homes and mortuary establishments | 1 space for each 50 square feet of UFA |
| Open air businesses | 1 space for each 200 square feet of indoor UFA plus 1 space for each 1,000 square feet of outdoor display area |
| Retail stores not otherwise specified | 1 space for each 200 square feet of UFA |
| Boat launch sites | 50% of the total area devoted to the launch site shall be devoted to parking, in accordance with the requirements of section 13.02 |
| Marinas | 114 spaces per boat slip or rack storage bin, plus required spaces for any accessory uses |
| Hotels and motels | 1 space for each guest room, plus required spaces for any accessory uses |
| Video rental stores | 1 space for each 100 square feet of UFA plus 1 space for the maximum number of employees on the premises at any one time |
| Offices | |
| Banks, credit unions, savings and loan associations, and other similar uses | 1 space for each 150 square feet of UFA plus 3 spaces for each non-drive through automatic teller machine |
| Offices not otherwise specified | 1 space for each 300 square feet of UFA |
| Medical and dental offices and clinics | 1 space for each 75 square feet of waiting room area, plus 1 space for each examining room, dental chair, or similar use area |
| Industrial | |
| Manufacturing, processing, and research establishments | 1 space for each 1,000 square feet of gross floor area, plus those spaces required for offices located on the premises |
| Industrial | |
| Warehouses and wholesale establishments | 1 space for each 2,000 square feet of gross floor area, plus those spaces required for offices located on the premises |

(Ord. passed 7-30-2015)

Cross reference:

Usable floor area, see § 155.006

§ 155.118 OFF-STREET LOADING REQUIREMENTS.

(A) On the same premises with every building or structure involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.

(B) All loading spaces shall be located in the rear yard in the ratio of at least ten square feet per front foot of building and shall be computed separately from off-street parking requirements.

(C) Loading spaces for non-residential uses in residential districts shall be located in the rear yard in the ratio of at least five square feet per front foot of building and shall be computed separately from off-street parking requirements.

(D) IND District.

(1) In the IND District, at least one loading space shall be provided. All loading spaces shall be at least ten feet by 50 feet, or a minimum of 500 square feet in area. A minimum 14-foot clearance height shall be provided.

(2) Loading spaces shall only be permitted off-street and in the rear yard or interior side yard.

(E) All dedicated loading spaces shall be provided with a pavement having an asphalt or portland cement binder so as to provide a permanent, durable, and dustless service.

(Ord. passed 7-30-2015)

SPECIAL LAND USES

§ 155.130 PURPOSE.

Special land uses are those uses of land which are not essentially incompatible with uses permitted in a district, but possess characteristics or location qualities which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this subchapter is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish special land uses. The criteria for decision and requirements provided for under the provisions of the subchapter shall be in addition to those required elsewhere in this chapter which are applicable to the special land use under consideration.

(Ord. passed 7-30-2015)

§ 155.131 APPLICATION AND REVIEW PROCEDURES.

(A) *Application.* An application for permission to establish a special land use shall be submitted in accordance with the following procedures.

(1) Applications for a special land use shall be submitted at least 30 days prior to the next Planning Commission meeting through the Zoning Administrator who will review the application for completeness, then transmit it to the Planning Commission. Applications not meeting the requirements shall be returned to the applicant for completion.

(2) An application for a special land use approval shall consist of the following:

(a) Nine copies of a final site plan meeting the requirements of §155.099(B);

(b) A completed application form, as provided by the township;

(c) Payment of a fee in accordance with a fee schedule, as determined by the Township Board from time to time;

(d) A legal description of the entire property which is the subject of the special land use;

(e) A statement with regard to compliance with the criteria required for approval in §§155.132 and 155.133, and other criteria imposed by this chapter affecting the special land use under consideration; and

(f) Other materials as may be required by the Planning Commission.

(B) *Public hearing.*

(1) Upon receipt of an application for a special land use, the Planning Commission shall hold a public hearing for the purpose of receiving comments relative to the special land use application.

(2) Notice of the public hearing shall be as required by the township's Zoning Act, being M.C.L.A. §§ 125.3101 et seq.

(3) Upon the approval or approval with conditions by the Planning Commission, the applicant may apply for a building permit.

(4) If denied, the Planning Commission, in its minutes, shall state the reasons for such denial and provide the applicant with a copy.

(5) The Planning Commission shall videotape all of its public hearing meetings and provide a copy of the tape to any person paying the fee for copying. A transcription of the tape by certified court reporter shall be required for any appeal to circuit court. A copy of said transcription shall be provided to the township at no cost.

(6) If, during the course of a public hearing, expert testimony is required for the Planning Commission to make a decision, and the applicant has not provided expert evidence on the matter, the Planning Commission can require the applicant to hire an expert, approved by the Commission, at a continued public hearing before making its decision.

(Ord. passed 7-30-2015)

§ 155.132 BASIS OF DETERMINATION.

Prior to approval of a special land use application, the Planning Commission shall ensure that the standards specified in this section, as well as other applicable standards of this chapter, are satisfied by the completion and operation of the special land use under consideration.

(A) The Planning Commission shall review the particular circumstances of the application under consideration in terms of the following standards, and shall approve a special land use only upon a finding of compliance with each of the following standards.

(1) The special land use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

(2) The special land use shall not change the essential character of the surrounding area.

(3) The special land use shall not be hazardous to adjacent property, or involve uses, activities, materials, or equipment which will be detrimental to the health, safety, or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, smoke, fumes, or glare.

(4) The special land use shall not place demands on public services and facilities in excess of current capacity.

(B) The Planning Commission and/or Township Board may require the submission of a reasonable review fee which the township may use to pay for the services of a qualified attorney, engineer, planner, inspector, or other individual which the Planning Commission and/or Township Board deems necessary. Said fees shall only be used for the review of any proposal covered under the terms of this chapter. All such fees shall be held in escrow and any unused fees shall be returned to the applicant.

(C) The Planning Commission may impose conditions with the approval of a special land use which are necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this chapter. Such conditions shall be considered an integral part of the special land use application and shall be enforced by the Zoning Administrator.

(D) If, after the establishment of the special land use, the approved use is found not to be in compliance with the approval granted by the Planning Commission, said use shall have 60 days to correct any problems as determined by the Planning Commission. If infractions are not corrected within the 60 days, the provisions of § 155.134 shall be initiated.

(Ord. passed 7-30-2015)

§ 155.133 APPROVAL TERM AND EXPIRATION.

(A) A special land use approval shall be valid for one year from the date of approval, unless approval is revoked as provided in §55.134, or the special land use has been initiated, or construction necessary for such use has been initiated and is proceeding meaningfully toward completion, in which case the approval shall remain valid indefinitely, unless the use is abandoned or discontinued for six consecutive months.

(B) If, by the end of this one-year period, the special land use has not been initiated or construction necessary for such use has not been initiated or, if construction has been initiated but is not proceeding meaningfully toward completion, then the special land use shall be deemed expired and no longer valid.

(C) A special land use approval, including conditions imposed, is attached to and shall run with the land for which the approval is granted, and shall be binding upon subsequent owners and all occupants of the subject land.

(D) Application for approval of an expired special land use approval shall be considered as a new application.

(Ord. passed 7-30-2015)

§ 155.134 REVOCATION OF SPECIAL LAND USE APPROVAL.

The Planning Commission may revoke any special land use approval, or take any other action allowed by law, if the applicant fails to comply with any of the applicable requirements in this chapter, any conditions placed on the approval by the Planning Commission, or any other applicable provisions of this chapter. Prior to revoking a special land use approval, the Planning Commission shall conduct a public hearing and give notice of such hearing in accordance with the Zoning Act, being M.C.L.A. §§ 125.3101 et seq.

(Ord. passed 7-30-2015)

§ 155.135 EXISTING SPECIAL EXCEPTIONS.

Uses of land and/or development projects granted special exception status by the township prior to the adoption of this chapter may continue this status provided the rules, regulations, requirements, and conditions of the special exception are met.

(Ord. passed 7-30-2015)

§ 155.136 RESUBMISSION.

(A) No special land use request, or substantially similar request, which has been decided by the Planning Commission shall be submitted for reconsideration within a one-year period from the date of the original application.

(B) After the one-year period, the application will only be considered if the applicant first demonstrated the following:

- (1) The conditions involving all of the reasons for the original denial have been significantly altered; or
- (2) New conditions or circumstances exist which change the nature of the original request.

(Ord. passed 7-30-2015)

SPECIFIC SPECIAL LAND USE STANDARDS

§ 155.150 SPECIAL LAND USES.

(A) The following special land uses shall be subject to the requirements of the district in which it is located, in addition to all the applicable conditions, standards, and regulations as are cited in this section.

(B) The following uses have such conditions, standards, or regulations:

(1) Country clubs, golf courses, riding stables, gun clubs, and publicly owned athletic grounds and parks including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use;

(2) Removal and processing of topsoil, stone, rock, sand, gravel, lime, or other soil or mineral resource;

(3) Public or private campgrounds;

(4) Two-family dwellings;

(5) Multiple-family dwellings;

(6) Planned unit developments;

(7) Funeral homes and mortuary establishments;

(8) Group and commercial day care homes and facilities;

(9) Hotels and motels;

(10) Theaters, or similar places of public assembly, as determined by the Zoning Administrator;

(11) Restaurants with drive-through facilities;

(12) Vehicle service stations, with or without mechanical repair;

(13) Vehicle wash establishments, either self-serve or automatic;

(14) Open air businesses and food truck park;

(15) Veterinary hospitals, animal clinics, and commercial kennels;

(16) Utility and public service buildings without storage yards, but not including essential public services such as poles, wires, and underground utility systems;

(17) Body shops;

(18) Lumber and plane mills;

- (19) Metal plating, buffing, and polishing;
- (20) Commercial storage warehouses;
- (21) The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations;
- (22) Junk yard, salvage yards and impound yards;
- (23) Public or private boat launches;
- (24) Marinas;
- (25) Sexually oriented businesses;
- (26) Bed and breakfast establishments;
- (27) Private schools, churches, libraries, parks, playgrounds, and community center buildings;
- (28) Intensive livestock operations;
- (29) Open space developments;
- (30) Vehicle sales;
- (31) Private hunting facilities;
- (32) Private docks accessory to non-residential uses;
- (33) Private dock on vacant residential parcel; and
- (34) Rental halls.

(Ord. passed 7-30-2015; amended 6- -2005; amended 3- -2013; Ord. 17-06, passed 9-13-2017; Ord. 19-20, passed 8-6-2019)

§ 155.151 RECREATION GROUNDS.

Country clubs, golf courses, riding stables, and publicly owned athletic grounds and parks including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.

- (A) The use shall be located on property with direct access to a public street.
- (B) Any outdoor activity areas shall be set back a minimum of 50 feet from any residential district or use property line.
- (C) Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use property line.
- (D) Access driveways shall be located no less than 50 feet from the centerline of the intersection of any street or any other driveway.

(Ord. passed 7-30-2015)

§ 155.152 REMOVAL OF RESOURCES.

The Planning Commission shall not approve such use until the following information is provided and the Commission finds that the proposed use will not adversely impact surrounding properties and the township in general, in accordance with the following:

- (A) The size of the property from which such topsoil, sand, gravel, or other such materials are to be removed;
- (B) The amount of topsoil, sand, gravel, or other materials which is to be removed;
- (C) The purpose of such removal;
- (D) The effect of such removal on adjoining property; all removal activities shall be set back a minimum of 100 feet from any adjoining residential district;
- (E) The effect of such removal in causing a safety hazard, creating erosion problems, or altering the ground water table;
- (F) The potential for such removal to cause the creation of sand blows, stagnant water pools, or swampy areas;
- (G) The effect of such removal on the environment and the natural topography, and the potential destruction of any natural resources;
- (H) Potential traffic congestion and problems because of trucks or other vehicles or means utilized to haul and transport the material removed;
- (I) Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained in a safe condition; all contours and elevations shall be restored when the operation is abandoned or ceases;
- (J) No business or industrial building or structure of a permanent nature shall be erected, except where such building is a permitted use within the district in which the extraction activity is located;
- (K) No storage or truck parking shall be located within 200 feet of any adjacent residence or within 50 feet of any other adjacent property;
- (L) All of the operations shall be screened with an evergreen screen planting on any side adjacent to a residential district or use of occupied property;
- (M) As the natural resources are being removed, the property shall be restored by the placement of topsoil where feasible; and all excavations shall be sloped to a gradient with not more than 30 degree slope and the contour be caused to blend as nearly as possible with the natural surroundings;
- (N) All truck operations shall be directed away from residential streets and utilized county primary roads whenever possible;
- (O) The Planning Commission may require such performance guarantee or bond, as deemed necessary to ensure that requirements are fulfilled, in accordance with the provisions of section 19.09, and may revoke permission to operate at any time specific conditions are not maintained;
- (P) Topsoil or sand may be removed from a lot for the purpose of erecting or constructing a building or structure on the lot, provided a permit is first obtained from the Zoning Administrator. If any removal from a parcel shall exceed 500 cubic yards of material, then the applicant shall comply with the provisions of this section. In addition, topsoil or sand may be moved from one part of a lot to another part if such action will not cause, or be likely to cause, sand blows, stagnant water pools, bogs, or possible future injury to adjoining properties;
- (Q) The applicant shall secure all necessary permits from the township, county, and state authorities; and
- (R) Any change in the operation or activity conducted on the premises shall require reapplication for a special use permit.

(Ord. passed 7-30-2015)

§ 155.153 PUBLIC OR PRIVATE CAMPGROUNDS.

- (A) Access driveways shall be located no less than 50 feet from the centerline of the intersection of any street or any other driveway.
- (B) The applicant shall secure all necessary permits from township, county, and state authorities.

- (C) Minimum lot area shall be five acres.
- (D) Retail commercial uses may be permitted within the campground, provided that the following requirements are met:
 - (1) All commercial uses allowed shall occupy no more than 5% of the lot for building and parking areas; and
 - (2) No merchandise for display, sale, or lease shall be located in any manner outside the main building.

(Ord. passed 7-30-2015)

§ 155.154 TWO-FAMILY DWELLINGS.

- (A) All dwelling units in the building shall have a minimum of 750 square feet per unit.
- (B) Such uses shall be permitted only if they will not materially alter the existing character of the neighborhood.

(Ord. passed 7-30-2015)

§ 155.155 MULTIPLE-FAMILY DWELLINGS.

- (A) Parking areas shall have a front yard setback of 20 feet and side and rear yard setbacks of ten feet.
- (B) Access driveways shall be located no less than 50 feet from the centerline of the intersection of any street or any other driveway.
- (C) Buildings shall not be constructed closer than a distance equal to one and one-half times the height of the tallest building.

(Ord. passed 7-30-2015)

§ 155.156 PLANNED UNIT DEVELOPMENTS.

(A) *Description and purpose.*

(1) The purpose of a planned unit development (PUD) is to permit greater flexibility in development than is generally possible under standard district regulations. It is further intended to promote more efficient use of land while providing a harmonious variety of housing choices, the integration of necessary commercial and community facilities, and the preservation of open space.

(2) These PUD provisions are not intended as a device for ignoring the other requirements of this chapter. These provisions are intended to result in land development substantially consistent with the underlying zoning.

(B) *Qualifying conditions.*

(1) The tract of land for which a PUD application is received must be either in one ownership or the subject of an application filed jointly by the owners of all properties.

(2) The property which is the subject of a PUD application must be a minimum of ten contiguous acres in total area.

(3) To be considered as a PUD, the proposed development must fulfill one of the following conditions:

- (a) The PUD contains two or more separate and distinct uses, for example, single-family and multiple-family dwellings;
- (b) The PUD site exhibits significant natural features which will be preserved as a result of the PUD plan; or
- (c) The PUD is designed to preserve at least 75% of the total area of the site in active agriculture or open space.

(C) *Review procedures.*

(1) *Preliminary sketch plan.*

(a) To be considered as a PUD, the applicant shall be required to first receive approval of a sketch plan in accordance with the requirements of this section.

(b) Applications for sketch plan approval for PUDs shall be submitted to the Zoning Administrator at least 30 days prior to the date of first consideration by the Planning Commission.

(c) The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:

1. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement;
2. Written documentation that the proposal meets the standards of section 14.08, F, 3;
3. If a phased development is proposed, identification of the areas included in each phase. For residential uses, identify the number, type, and density of proposed housing units within each phase; and
4. A completed application form, supplied by the Zoning Administrator, and an application fee.

(d) The Planning Commission shall either deny, approve, or approve with conditions, the sketch plan.

(e) Changes in the sketch plan shall be submitted to the Planning Commission pursuant to the above procedures applicable to the original application.

(2) *Final site plan approval.*

(a) After receiving approval of a sketch plan from the Planning Commission, the applicant shall within one year submit a final site plan to the Planning Commission.

(b) The final site plan may be for either the entire project or for one or more phases. Site plan approval shall be conducted in accordance with the requirements of § 155.099.

(c) Failure to submit a final site plan for approval within the one-year period shall void the previous sketch plan approval and a new application shall be required to be submitted and approved in accordance with these provisions.

(d) The Planning Commission shall either deny, approve, or approve with conditions, the final site plan.

(e) Changes in the final site plan shall be submitted to the Planning Commission pursuant to the above procedures applicable to the original application.

(D) *Permitted uses.* The following uses shall be permitted in accordance with the applicable PUD requirements:

- (1) Single-family dwellings;
- (2) Two-family dwellings;
- (3) Multiple-family dwellings;

(4) Permitted uses in the C District, subject to the standards noted for non-residential uses in the PUD; and

(5) Site condominiums.

(E) *Site development requirements.*

(1) *Residential uses.* The minimum lot area, width, setbacks, and yard requirements for any lot designated for residential use may be established by the Planning Commission, subject to the following considerations:

- (a) Character of the neighborhood in which the development is proposed;
- (b) The proximity of other residential districts or uses; and
- (c) Unique site conditions, such as the presence of drainage ways, significant natural features, soil conditions, and the like.

(2) *Non-residential uses.*

- (a) All non-residential uses allowed in the PUD shall occupy no more than 10% of the PUD project's developable area.
- (b) All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, and the like.
- (c) Such uses shall be permitted only if they will not materially alter the existing character of the neighborhood and/or the PUD.
- (d) All merchandise for display, sale, or lease shall be entirely within an enclosed building.
- (e) Buildings designed for non-residential uses shall be constructed according to the following requirements:
 - 1. If the entire PUD contains fewer than 20 dwelling units, 75% of these units must be constructed prior to construction of any non-residential use; and
 - 2. If the PUD contains more than 20 dwelling units, 50% of these units shall be constructed prior to the construction of any non-residential use.

(3) *Open space.* The amount of open space set aside for common use of the PUD shall be determined by the Planning Commission, subject to the following considerations and requirements:

- (a) Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access such that all properties within the entire PUD may utilize the available open space;
- (b) Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the township of the future maintenance thereof; and
- (c) Open space will be provided where natural features may be preserved and/or be used for passive or active recreation.

(4) *Wires.* All electric and telephone transmission wires shall be placed underground.

(5) *Parking.* Parking is required in accordance with §§155.115 through 155.118.

(6) *Signs.* Signs are permitted in accordance with the requirements of Chapter 153. The least intensive district in which the use is permitted shall be used in determining sign requirements.

(F) *Approval standards.* The Planning Commission shall consider and find that the standards noted below have each been satisfied before granting approval of any PUD:

- (1) The standards of § 155.100; and
- (2) The standards of § 155.132(A)(1) through (A)(4).

(Ord. passed 7-30-2015)

§ 155.157 FUNERAL HOMES AND MORTUARY ESTABLISHMENTS.

(A) Minimum lot area shall be one acre and minimum lot width shall be 150 feet.

(B) An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.

(C) No waiting lines of vehicles shall extend off-site or onto any public street.

(D) Access driveways shall be located no less than 25 feet from the centerline of the intersection of any street or any other driveway.

(Ord. passed 7-30-2015)

§ 155.158 GROUP AND COMMERCIAL DAY CARE HOMES AND FACILITIES.

(A) A drop-off/pick-up area shall be provided for motorists off the public street, which permits vehicles to exit the property without backing into the street.

(B) Fencing no less than four feet nor more than six feet in height shall be provided around all outdoor areas accessible to children.

(Ord. passed 7-30-2015)

§ 155.159 HOTELS AND MOTELS.

(A) Minimum lot area shall be four acres and minimum lot width shall be 200 feet.

(B) Parking areas shall have a front yard setback of 20 feet and side and rear yard setbacks of ten feet.

(C) Access driveways shall be located no less than 50 feet from the centerline of the intersection of any street or any other driveway.

(Ord. passed 7-30-2015)

§ 155.160 THEATERS AND THE LIKE.

(A) Main buildings shall be set back a minimum of 100 feet from any residential property line.

(B) For uses exceeding a seating capacity of 250 persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.

(C) Access driveways shall be located no less than 50 feet from the centerline of the intersection of any street or any other driveway.

(Ord. passed 7-30-2015)

§ 155.161 RESTAURANTS WITH DRIVE-THROUGH FACILITIES.

(A) Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-

way. A minimum of ten stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.

(B) In addition to parking space requirements, at least three parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.

(C) Parking areas shall have a front yard setback of 20 feet and side and rear yard setbacks of ten feet.

(D) Access driveways shall be located no less than 25 feet from the centerline of the intersection of any street or any other driveway.

(Ord. passed 7-30-2015)

§ 155.162 VEHICLE SERVICE STATIONS.

(A) Minimum lot area shall be one acre and minimum lot width shall be 250 feet.

(B) Pump islands shall be a minimum of 25 feet from any public right-of-way or lot line.

(C) All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.

(D) If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.

(E) Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of 15 feet is maintained and further provided that the fascia of the canopy is a minimum of 15 feet above the average grade.

(F) Access driveways shall be located at least 25 feet from the centerline of the intersection of any street or any other driveway.

(G) Where adjoining a residential district, a solid wall or fence, six feet in height, shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

(H) Adequate parking for vehicles awaiting repair shall be provided in addition to any other required parking.

(I) Inoperative vehicles left on the site shall, within 48 hours, be stored within an enclosed building, or in an area screened by an opaque fence not less than six feet in height. Such fence shall be continuously maintained in good condition.

(Ord. passed 7-30-2015) Penalty, see § 155.999

§ 155.163 VEHICLE WASH ESTABLISHMENTS.

(A) Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of 15 stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least two stacking spaces at the entrance and one space at the exit.

(B) Vacuuming activities, if outdoors, shall be at least 100 feet from any residential district. Wash bays shall be located at least 50 feet from any residential district.

(C) Should wash bays be located with openings parallel to an adjacent street, they shall be screened by a solid wall or fence, six feet in height, erected along any common lot line. The fence or wall shall be continuously maintained in good condition.

(D) Only one access driveway shall be permitted on any single street. All access driveways shall be located at least 25 feet from the centerline of the intersection of any street or driveway.

(E) Where adjoining a residential district, a solid wall or fence, six feet in height, shall be erected along any common lot line. The fence shall be continuously maintained in good condition.

(Ord. passed 7-30-2015)

§ 155.164 OPEN AIR BUSINESSES.

(A) A five-foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.

(B) The lot area used for parking, display, or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.

(C) Access driveways shall be located no less than 50 feet from the centerline of the intersection of any street or driveway.

(D) Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

(Ord. passed 7-30-2015)

§ 155.165 VETERINARY HOSPITALS, ANIMAL CLINICS, AND COMMERCIAL KENNELS.

Buildings, dog runs and/or exercise areas, or any other area where animals are kept shall be set back 100 feet from any property line.

(Ord. passed 7-30-2015)

§ 155.166 UTILITY AND PUBLIC SERVICE BUILDINGS.

Utility and public service buildings without storage yards, but not including essential public services such as poles, wires, and underground utility systems.

(A) Any buildings shall be generally compatible with the surrounding neighborhood.

(B) Any building shall comply with the yard setback requirements of the district in which it is located.

(Ord. passed 7-30-2015)

§ 155.167 BODY SHOPS.

(A) The main and accessory buildings and structures shall not be located within 100 feet of any residential district.

(B) Minimum lot area shall be one acre and minimum lot width shall be 150 feet.

(C) All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.

(D) Inoperative vehicles left on the site shall, within 48 hours, be stored within an enclosed building, or in an area screened by an opaque fence not less than six feet in height. The fence shall be continuously maintained in good condition.

(E) Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.

(F) Access driveways shall be located at least 25 feet from the centerline of the intersection of any street or driveway.

(G) Where adjoining a residential district or use property, a solid wall or fence, six feet in height, shall be erected along any common lot line. The fence or wall shall be continuously maintained in good condition.

(Ord. passed 7-30-2015) Penalty, see § 155.999

§ 155.168 LUMBER AND PLANING MILLS.

The main and accessory buildings and structures shall not be located within 200 feet of any residential district.

(Ord. passed 7-30-2015)

§ 155.169 METAL PLATING, BUFFING, AND POLISHING.

The main and accessory buildings and structures shall not be located within 200 feet of any residential district or use property line.

(Ord. passed 7-30-2015)

§ 155.170 COMMERCIAL STORAGE WAREHOUSES.

(A) *Lot area.* Minimum lot area shall be two acres.

(B) *Residence.* A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family dwelling in the R-2 District.

(C) *Parking and circulation.*

(1) One parking space shall be provided for each ten storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area.

(2) Two parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.

(3) One parking space shall also be required for every 20 storage cubicles, up to a maximum of ten spaces, to be located adjacent the rental office for the use of customers.

(4) The following parking lanes and access aisles shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.

| Lane/Aisle | Aisle/Lane Width (Ft) | | Number of Lanes/Aisles Required | |
|--------------|-----------------------|------------------------------|---------------------------------|---------|
| | One-Way | Two-Way (Each Lane or Aisle) | One-Way | Two-Way |
| Access aisle | 15 | 12 | 1 | 2 |
| Parking lane | 10 | 10 | 1 | 1 |

(5) All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

(Ord. passed 7-30-2015)

§ 155.171 STAMPING OR PUNCH PRESS OPERATIONS.

The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations. The main and accessory buildings and structures shall not be located within 200 feet of any residential district.

(Ord. passed 7-30-2015)

§ 155.172 JUNK YARDS.

(A) Requests for a special land use approval for establishment of a salvage, junk, or impound yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.

(B) The site shall be provided with suitable access to a collector or arterial road to ensure safe, direct transport of salvage to and from the site. All portions of the storage area shall be accessible to emergency vehicles.

(C) No portion of the storage area shall be located within 500 feet of any residential district or use, nor shall it be located within 1,000 feet of any body of water.

(D) Any outdoor storage area shall be completely enclosed by a fence or wall at least eight feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two non-transparent gates not exceeding 48 feet in width providing access to the storage area for vehicles, but shall not allow direct view of the storage area from adjacent properties or streets. The fence or wall shall be continuously maintained in good condition and shall contain only approved signs.

(E) Stored materials shall not be stacked higher than eight feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall. The fence or wall enclosing the storage area shall meet the applicable building setback requirements, provided that all fences shall be set back a minimum of 50 feet from any residential district.

(F) A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.

(G) Vehicles or vehicle bodies shall be stored in rows with a minimum of 20-foot continuous loop drives separating each row of vehicles.

(H) Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil, and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of fluid. No fluids removed from vehicles shall be applied as a dust control method.

(I) Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard. The area used for any dismantling or any other activity associated with removing body parts or components shall be paved with an asphalt or portland cement binder, and equipped with a drainage system that will allow the capture of any fluids or other materials. Any captured fluids shall be disposed of in a safe and sanitary manner.

(J) The property shall include at least six acres.

(K) In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.

(L) The Planning Commission may impose other conditions which have a reasonable relationship to the health, safety, and general welfare of the township. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

(Ord. passed 7-30-2015)

§ 155.173 BOAT LAUNCHES.

(A) No building, structure, dock, or parking area which is part of a boat launch site shall be located nearer than 35 feet to any lot in a residential district.

(B) Required parking facilities shall not be used for storage of boats or trailers for periods exceeding 72 hours, from May 1 to September 15.

(C) Access driveways shall be located no less than 50 feet from the centerline of the intersection of any street or driveway.

(D) The lot area used for parking or other activity using motor vehicles shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water in accordance with the rules and regulations of the township and the County Drain Commission.

(E) Public boat launches and access sites shall be served by a public road.

(F) All piers and docks associated with any proposed boat launch shall meet the standards of all township ordinances.

(Ord. passed 7-30-2015)

§ 155.174 MARINAS.

(A) No building, structure, dock, or parking area which is part of a marina shall be located nearer than 35 feet to any lot in a residential or Waterfront District.

(B) Required parking facilities shall not be used for storage of boats or trailers for periods exceeding 72 hours, from May 1 to September 15.

(C) Access driveways shall be located no less than 50 feet from the centerline of the intersection of any street or driveway.

(D) The lot area used for parking or other activity using motor vehicles shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water in accordance with the rules and regulations of the township and the County Drain Commission.

(E) A five-foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.

(F) All proposed marina construction, expansion, and reconfiguration projects shall be subject to permit by the Michigan Department of Environmental Quality or its successor.

(Ord. passed 7-30-2015)

§ 155.175 SEXUALLY ORIENTED BUSINESSES.

(A) *Purpose and intent.*

(1) The purpose and intent of these provisions is to regulate sexually oriented businesses and related activities to promote the health, safety, and welfare of patrons and employees of such businesses, and to promote the health, safety, and welfare of the citizens of the township.

(2) In the development and execution of this section, it is recognized that there are some uses which, because of their nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one or more of them is located in proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. These controls are for the purpose of preventing deterioration or blighting of a surrounding residential neighborhood.

(3) These provisions are not intended, nor shall they have the effect of, imposing a limitation or restriction on the content of any communicative materials including, but not limited to, sexually oriented materials that are protected by the First Amendment to the United States Constitution or by Art. I, § 5 of the Michigan Constitution of 1963.

(4) Additionally, it is not the intent of the provisions of this section, nor shall it have the effect of, restricting or denying access by adults to sexually oriented materials that are protected by said federal and state constitutions.

(5) Further, it is not the intent of these provisions, nor shall they have the effect of, denying access by the distributors and exhibitors of sexually oriented entertainment to their target market.

(6) These regulations shall not be interpreted as intending to legitimize any activities which are prohibited by federal or state law, or by any other ordinance of the township.

(B) *Use requirements.*

(1) The use is located within a zoning district in which sexually oriented businesses are specifically permitted as a special land use.

(2) The use is not located within a 1,000-foot radius of any other such use, measured in a straight line from the nearest lot line to the nearest lot line, except that such restrictions may be waived by the Township Board, if the following findings are made.

(a) The proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed.

(b) The proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.

(c) The establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation.

(d) All applicable state laws and local ordinances will be observed.

(e) Prior to the granting of any waiver as herein provided, the Township Board may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as may, in its judgment, be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

(3) Parking spaces shall be provided at the ratio of one space per person permitted by the maximum occupancy load established by local, county, state, fire, health, or building codes.

(4) No adult use shall remain open at any time between the hours of 11:00 p.m. and 10:00 a.m. and no such use shall be open on Sundays.

(5) No alcohol shall be served at any adult use.

(6) No adult use shall permit any person under the age of 18 years to enter the premises. Signs shall be conspicuously posted noting that such minors are not allowed.

(7) All parking areas and the building shall be well lighted to ensure the safety and security of patrons. These areas shall remain lighted for one hour after closing each night.

(8) The use shall be located more than 500 feet from any residential district boundary, measured to the nearest lot line of the proposed use.

(Ord. passed 7-30-2015) Penalty, see § 155.999

§ 155.176 BED AND BREAKFAST ESTABLISHMENTS.

- (A) The establishment shall be serviced by adequate water and sanitary sewer services, as approved by the County Health Department.
- (B) The establishment shall be located on property with direct access to a public street.
- (C) No such use shall be permitted on any property where there exists more than one other bed and breakfast establishment within 750 feet, measured between the closest property lines.
- (D) Parking shall be located to minimize negative impacts on adjacent properties.
- (E) The number of guest rooms in the establishment shall not exceed seven.
- (F) Exterior refuse storage facilities beyond what might normally be expected for a single-family dwelling shall be prohibited.
- (G) Signs for bed and breakfast establishments shall be limited to one ground sign or one wall sign. A ground sign shall not exceed ten square feet in size, and must be set back at least five feet from all property lines. A wall sign shall not exceed 5% of the wall area to which it is attached.
- (H) The establishment shall contain the principal residence of the operator.
- (I) Accessory retail or service uses to a bed and breakfast establishment shall be prohibited, including, but not limited to, gift shops, antique shops, restaurants, bakeries, and so forth. Meals shall be served only to the operator's family, employees, and overnight guests.

(Ord. passed 7-30-2015) Penalty, see § 155.999

§ 155.177 PRIVATE SCHOOLS, CHURCHES, AND THE LIKE.

- (A) Such uses shall require a minimum lot size of two acres, except for parks and playgrounds, which shall meet the lot requirement of the district in which it is located.
- (B) Access driveways shall be located no less than 50 feet from the centerline of the intersection of any street or driveway.
- (C) The main and accessory buildings and structures shall not be located within 50 feet of any residential district.
- (D) Lighting for parking or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district.

(Ord. passed 7-30-2015)

§ 155.178 INTENSIVE LIVESTOCK OPERATIONS.

- (A) Any intensive livestock operation (ILO) shall be located at least one mile from any other ILO, as measured from the nearest lot lines of each use.
- (B) All buildings, structures, enclosed areas, or storage areas for wastes, feed, or other associated materials, associated with an ILO shall be located at least 200 feet from any lot line.
- (C) ILOs shall be established on a lot or lots totaling at least 20 contiguous acres.
- (D) All buildings, structures, enclosed areas, or storage areas for wastes, feed, or other associated materials, associated with an ILO shall be located at least 500 feet from any water body or floodplain.
- (E) The ILO shall comply at all times with any applicable federal or state regulation.

(Ord. passed 7-30-2015)

§ 155.179 OPEN SPACE DEVELOPMENTS.

- (A) It is the intent of this section to promote the goals of the Township Master Plan to permit the development of single-family dwellings in patterns that will:
 - (1) Protect rural character and productive agricultural lands;
 - (2) Minimize demand for public service;
 - (3) Encourage a more creative approach to single-family residential development than conventional land division and allow greater flexibility in the placement of units;
 - (4) Provide a more desirable living environment through the preservation and conservation of natural features such as topography, wetlands, woodlands, water bodies, and other natural assets;
 - (5) Reduce the number of driveways accessing county primary and local roads; and
 - (6) Encourage the provision of open space.
- (B) The open space preservation developments shall be located on a minimum of ten contiguous acres.
- (C) In the review of a proposed development under this section, the Planning Commission shall make the following findings.
 - (1) The intent of the open space preservation option, as set forth in this section, is met.
 - (2) The parcel contains natural assets that would be preserved through the use of open space development. These assets may include natural stands of large trees; land which serves as a natural habitat for wildlife; wetlands; bodies of water (i.e., streams, rivers, and lakes); unusual topographic features; major topographic conditions which make development under normal zoning impractical; or other natural assets that would be preserved; or the parcel contains productive agricultural lands which would be preserved through the use of an open space development.
 - (3) Due to the size and shape of the parcel, utilization of the open space preservation option would result in the more creative and efficient use of the property and would not create a negative effect upon surrounding properties.
- (D) All open space developments shall conform to the following site design requirements.
 - (1) When completed, the development shall have a minimum of 50% of area devoted to open space for the use and enjoyment of residents of the development or the public, as applicable, subject to the following standards:
 - (a) Designated open space shall remain either in its natural state and/or used for specifically designed recreational purposes;
 - (b) Designated open space may include area within the development setback as required by division (D)(2) below;
 - (c) Designated open space shall not include: rights-of-way or easements designated for road purposes, areas within lots, or land which is underwater (lakes, streams, water courses, and other similar bodies of water);
 - (d) The reservation of open space areas under this section shall be conditioned upon the recording of appropriate conservation easements or other instruments for the purpose of providing for long-term maintenance and preservation of common areas, open space areas, wooded areas, and/or other areas with natural resources or features to be preserved on the property. Any easement and/or other instrumentation shall be in a form and contain the content approved by the Township Attorney;

(e) Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire development may utilize the available open space; and

(f) Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation. Open space is encouraged to be located between neighborhood clusters of housing units.

(2) Development setback.

(a) Any **BUILDING AREA**, which, for the purposes of this section, shall mean the area within any lot lines on a lot on which a principal use is located, shall be located at least 200 feet from any public street right-of-way not constructed as part of the development.

(b) No native or natural vegetation shall be removed from the 200-foot setback, nor any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements.

(c) The Planning Commission may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the intent of the open space development.

(d) The Planning Commission may reduce this setback if existing landscaping provides a natural screen, or the proposed development provides such a landscape screen. In any case, the setback shall be not less than 100 feet. The landscape screen shall meet all of the following minimum requirements:

1. Occupy at least 70% of the lineal distance of the property line abutting any public street right-of-way;
2. Have a depth of unoccupied land of at least 50 feet;
3. Have at least 50% opacity from the roadside view at the time of planting; and
4. Consist of existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.

(e) Sites abutting more than one public street shall be permitted to reduce the setback on the shortest side of the abutting streets to 100 feet without a natural screen. No native or natural vegetation shall be removed from the 100-foot setback, nor any grading or changes in topography occur, except that as may be necessary for entrance roads or utilities.

(3) To provide an orderly transition of density when an open space development abuts a residential district of equal or lower density, the township may require open space along the common boundaries, screening in accordance with the requirements of this chapter, and/or an area or row of lots generally equal or nearly equal in size and character with neighboring residential lots.

(Ord. passed 7-30-2015)

§ 155.180 VEHICLE SALES.

(A) *Location requirements.*

(1) The minimum lot area shall be one acre and minimum lot width shall be 150 feet.

(2) The proposed site shall front on a paved primary road. All ingress and egress shall be either from the road or from an approved shared access drive to that road.

(3) Access driveways shall be located no less than 50 feet from the centerline of the intersection of any street or driveway.

(4) The main building shall be at least 30 feet from any property line.

(B) *Buffering requirements.*

(1) Any portion of the site immediately adjacent to a residential district shall be screened with a minimum five-foot fence or wall.

(2) A landscaped, planted open space of a minimum of ten feet in depth shall be provided along the full street frontage of the site.

(3) The Planning Commission may require a five-foot fence or wall to be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.

(C) *Performance standards.*

(1) The site shall be kept in a neat and orderly fashion.

(2) The lot area used for parking shall be hard surfaced. All parking, display, or storage area shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water on site.

(3) Any vehicle stored or displayed outside of an enclosed building shall not be located within the required front yard, within 20 feet of any side or rear lot line, or occupy any required parking or maneuvering areas for vehicles. No vehicle which is inoperative shall be stored on the premises for more than one week. Inoperative vehicles must be screened from view from public streets or residential districts by a minimum six-foot obscuring fence.

(4) All repair, assembly, disassembly, or maintenance of vehicles shall occur within a closed building, except for minor maintenance, including tire replacement, adding oil, and wiper replacement.

(5) The facility shall meet all pertinent licensing requirements of the state, the county, and the township.

(Ord. passed 7-30-2015)

§ 155.181 PRIVATE HUNTING FACILITIES.

(A) The use of this facility is limited to use by the property owner and guests only during State of Michigan DNR scheduled hunting season.

(B) No rental, leasing, retail, or commercial uses are allowed.

(C) The applicant shall obtain all required permits from the township, county, and state.

(D) Any bathroom or kitchen must be connected to an approved sanitary system.

(E) Overnight occupancy is permitted, provided all safety and building codes are inspected and approved for use.

(F) Setback requirements must be met.

(G) Lot size is 15 acres or larger.

(Ord. passed 7-30-2015)

§ 155.182 PRIVATE DOCKS ACCESSORY TO NON-RESIDENTIAL USES.

(A) One dock or pier shall be permitted for each parcel.

(B) Docks or piers shall be used only by patrons of the premises and their guests, and shall not be leased, rented, or otherwise made available for compensation.

- (C) No waterfront sales of gasoline, fuel oil, or other flammable liquids or gases shall be allowed.
- (D) All piers and docks allowed under this section shall meet all standards of the Township Zoning Ordinance.

(Ord. passed 7-30-2015)

§ 155.183 PRIVATE DOCK ON VACANT RESIDENTIAL PARCEL.

- (A) One dock shall be permitted for each parcel.
- (B) Dock and pier shall be used only by property owner and their guests.
- (C) Dock and pier shall not be leased, rented, or otherwise made available for compensation.
- (D) All docks and piers allowed under this section shall meet all standards of the Township Zoning Ordinance.
- (E) Parcel considered for special use shall be under single ownership.
- (F) This section is meant to avoid key holding or avoiding the need for a license for a marina.
- (G) Multiple ownership lot: primary owner (i.e., first name on deed) shall be considered single owner and user of dock.

(Ord. passed 7-30-2015)

§ 155.184 RENTAL HALLS.

- (A) The use shall be located on property with direct access to a public street.
- (B) Any outdoor activity areas shall be set back a minimum of 50 feet from any residential district or use property line.
- (C) Lighting for parking areas or outdoor activity shall be shielded to prevent light from spilling onto any residential or use property line.
- (D) Access driveways shall be located no less than 50 feet from the centerline of the intersection of any street or any other driveway.
- (E) Applicant shall secure all necessary permits from township, county, and state authorities. Applications to the township shall include:
 - (1) The expected number of events per year;
 - (2) The maximum number of attendees per event (to be determined based on the size of the size of the venue);
 - (3) The number of employees (owner representatives to be present during events);
 - (4) Hours of operation. The hours of operation shall not exceed 12:00 a.m. including cleanup. Music shall end at 11:00 p.m.;
 - (5) Restroom provisions, including ADA compliant based on the maximum number of attendees;
 - (6) Proposed lighting for the structure and parking area shall be sufficient to provide safety without infringing on neighboring property;
 - (7) Sound amplification to be used only within the structure;
 - (8) Use of temporary structures or tents in conjunction with events;
 - (9) Proposed signage - shall comply with the township sign chapter (seeChapter 153);
 - (10) Security to be provided;
 - (11) Location of trash receptacles;
 - (12) Traffic management and parking plans; and
 - (13) Other documentation as required by township, county, and state officials, including a stamped copy of the state and township approved plans for the venue.

(Ord. 19-20, passed 8-6-2019)

CONDITIONAL REZONING

§ 155.195 INTENT.

- (A) It is recognized that they are certain instances where it would be in the best interest of the township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning.
- (B) It is the intent of this chapter to provide a process consistent with the provisions of § 16.01 of the Zoning Enabling Act, being M.C.L.A. §§ 125.3101 et seq., by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and or development of land as part of the rezoning request.

(Ord. passed 7-30-2015)

§ 155.196 APPLICATION AND OFFER OF INTENT.

- (A) An owner of land may voluntarily offer, in writing, conditions relating to the use and or development of land for which a rezoning is filed or may be made at a later time during the rezoning process.
- (B) The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this subchapter.
- (C) The owner's offer of conditions may not purport to authorize uses of developments not permitted in the requested zoning district.
- (D) The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
- (E) Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this subchapter may only be commenced if a special land use permit for such development is ultimately granted in accordance with the provisions of this subchapter.
- (F) Any use of development proposed as part of an offer of conditions that would require a variance under the terms of this subchapter may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with provisions of this subchapter.
- (G) Any use or development proposed as part of an offer of conditions that would require site plan approval under terms of this subchapter may only be commenced if site plan approval for such use or development is ultimately granted according with the provisions of this subchapter.
- (H) The offer of conditions may be amended during the process of rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board, provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

(Ord. passed 7-30-2015)

§ 155.197 PLANNING COMMISSION REVIEW.

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in §155.196, may recommend approval, approval with recommended changes, or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

(Ord. passed 7-30-2015)

§ 155.198 TOWNSHIP BOARD REVIEW.

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberation shall include, but not be limited to, a consideration of the factors for rezoning set forth in § 155.196. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Zoning Enabling Act, being M.C.L.A. §§ 125.3101 et seq., refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

(Ord. passed 7-30-2015)

§ 155.199 APPROVAL.

(A) If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written statement of conditions acceptable to the owner and conforming in form to the provisions of this section. The statement of conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.

(B) The statement of conditions shall:

- (1) Be in a form recordable with the Register of Deeds of the county, or in the alternative, be accompanied by a recordable affidavit or memorandum prepared and signed by the owner giving notice of the statement of conditions in a manner acceptable to the Township Board;
- (2) Contain a legal description of the land to which it pertains;
- (3) Contain a statement acknowledging that the statement of conditions runs with the land and is binding upon successor owners of the land;
- (4) Incorporate by attachment or reference and diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the statement of conditions. If any such documents are incorporated by reference, the reference shall specify where the documents may be examined;
- (5) Contain a statement acknowledging that the statement of conditions or an affidavit or memorandum giving notice thereof may be recorded by the township with the Register of Deeds of the county; and
- (6) Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the statement of conditions.

(C) Upon the rezoning taking effect, the zoning map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a statement of conditions. The Township Clerk shall maintain a listing of all lands rezoned with a statement of conditions.

(D) The approved statement of conditions or an affidavit or memorandum giving notice thereof shall be filed by the township with the Register of Deeds of the county. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and for the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the township or to any subsequent owner of the land.

(E) Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the statement of conditions.

(Ord. passed 7-30-2015)

§ 155.200 COMPLIANCE WITH CONDITIONS.

(A) Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the statement of conditions. Any failure to comply with a condition contained within the statement of conditions shall constitute a violation of this section and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

(B) No permit or approval shall be granted under this subchapter for any use or development that is contrary to an applicable statement of conditions.

(Ord. passed 7-30-2015) Penalty, see §155.999

§ 155.201 TIME PERIOD FOR ESTABLISHING DEVELOPMENT OR USE.

(A) Unless another time period is specified in this subchapter rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion.

(B) The time limitation may, upon written request, be extended by the Township Board if:

(1) It is demonstrated to the Township Board's reasonable satisfaction that there is strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and

(2) The Township Board finds that there has not been a change in circumstances that would render the current zoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

(Ord. passed 7-30-2015)

§ 155.202 REVERSION OF ZONING.

If approved development and/or use of the rezoned land does not occur within the time frame specified under §155.201, then the land shall revert to its former zoning classification as set forth in Zoning Enabling Act, being M.C.L.A. §§ 125.3101 et seq. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former rezoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

(Ord. passed 7-30-2015)

§ 155.203 SUBSEQUENT REZONING OF LAND.

When land that is rezoned with a statement of conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to § 155.196(H) or otherwise, the statement of conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds

of the county a notice that the statement of conditions is no longer in effect.

(Ord. passed 7-30-2015)

§ 155.204 AMENDMENTS OF CONDITIONS.

(A) During the time period for commencement of an approved development or use specified pursuant to §155.196(H), or during any extension thereof granted by the Township Board, the township shall not add to or alter the conditions in the statement of conditions.

(B) The statement of conditions may be amended thereafter in the same manner as was prescribed for the original rezoning statement of conditions.

(Ord. passed 7-30-2015)

§ 155.205 TOWNSHIP RIGHT TO REZONE.

Nothing in the statement of conditions, nor in the provisions of any section of this subchapter, shall be deemed to prohibit the township from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and the Zoning Enabling Act, being M.C.L.A. §§ 125.3101 et seq.

(Ord. passed 7-30-2015)

§ 155.206 FAILURE TO OFFER CONDITIONS.

The township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this chapter.

(Ord. passed 7-30-2015)

WIND GENERATED POWER

§ 155.220 PURPOSE.

This subchapter is intended to promote the public health, safety, and welfare and to safeguard the health, comfort, living conditions, safety, and welfare of the citizens of the township by regulating the use of wind generated power stations.

(Ord. passed 5-13-2009)

§ 155.221 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AMBIENT. The sound pressure level exceeded 90% of the time or L90.

ANSI. American National Standards Institute.

COMMERCIAL GRADE WIND ENERGY SYSTEMS. A commercial grade wind energy system shall be greater than 25 kw and shall be intended to primarily serve the needs of the customer.

DB(A). The sound pressure level in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighing the frequency spectrum to mimic the human ear.

DECIBEL. The unit of measure used to express the magnitude of sound pressure and sound intensity.

IEC. International Electrotechnical Commission. The **IEC** is the leading global organization that prepares and publishes international standards for all electrical, electronic, and related technologies.

ISO. International Organization for Standardization. **ISO** is a network of the national standards institutes of 156 countries.

ON SITE USE WIND ENERGY SYSTEMS. An on site use wind energy system is intended to primarily serve the needs of the consumer and shall be less than 25 kw.

ROTOR. An element of a commercial grade wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from wind.

SCADA TOWER. A freestanding tower containing instruments such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (**SCADA**) system.

SHADOW FLICKER. Alternating changes in light intensity caused by the moving blades of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.

SOUND PRESSURE. Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

SOUND PRESSURE LEVEL. The sound pressure mapped to a logarithmic scale and reported in decibels (Db).

UTILITY GRADE WIND ENERGY SYSTEMS. A utility grade wind energy system is designed and built to provide electricity to the electric utility grid.

WIND ENERGY SYSTEM. A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.

WIND SITE ASSESSMENT. An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

(Ord. passed 5-13-2009)

§ 155.222 ON-SITE USE WIND ENERGY SYSTEMS.

(A) An on-site use wind energy system is intended to primarily serve the needs of the consumer. An on-site use wind energy system with a tower higher than 60 feet shall be considered a special land use.

(B) On site use wind energy systems with no towers, or towers 60 feet or less, shall be a permitted use in all zoning classifications where structures of any sort are allowed, subject to the following requirements.

(1) Anemometer towers more than 60 feet in height used to conduct a wind site assessment for possible installation of an on-site use wind energy system shall also be a special land use.

(2) Prior to the installation of an on-site use wind energy system with a tower higher than an overall height of 75 feet, an application for a special land use permit shall be filed with the township, which will include:

(a) Applicant identification;

- (b) A site plan;
- (c) Documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been met; and
- (d) Proof of the applicant's public liability insurance.

(C) Prior to the installation of an anemometer tower more than an overall height of 75 feet, an application for a special land use permit shall be filed with the township that will include:

(1) Application identification;

(2) A site plan;

(3) A copy of that portion of the applicant's lease with the land owner granting authority to install the MET tower and requiring the applicant to remove all equipment and restore the site after completion of the wind assessment; and

(4) Proof of the applicant's public liability insurance.

(D) The distance between an on-site use wind energy system and the owner's property lines shall be at least one time the height of the wind energy system tower including the top of the blade in its vertical position. The distance between an anemometer tower and the owner's property lines shall be at least one time the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than seven feet to the owner's property lines.

(E) On site use wind energy systems shall not exceed 55 Db(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 Db(A), the standard shall be ambient Db(A) plus five Db(A).

(F) On-site use wind energy systems, including towers, shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site use wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, being M.C.L.A. §§ 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, being M.C.L.A. §§ 259.481 et seq.), and local jurisdiction airport overlay zone regulations. An interconnected on-site use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.

(G) An on-site use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

(H) An on-site wind energy system shall be no larger than 25 kw.

(I) No part of the blade shall be closer to the ground than 20 feet.

(Ord. passed 5-13-2009)

§ 155.223 COMMERCIAL GRADE WIND ENERGY SYSTEMS.

(A) Commercial grade wind energy system shall be permitted in Agricultural Residential Districts, Commercial Districts, and Industrial Districts by special land use permit.

(B) (1) A commercial grade wind energy system shall be contained in the setbacks of the district in which it is located and all anchoring devices shall be located so as not to infringe on the setback requirements of the district.

(2) The distance between a commercial grade wind energy system and the property lines of adjacent non-leased properties, including public rights-of-way, shall be at least the height of the wind energy system tower, including the top of the blade in its vertical position. Where property is leased on both sides of public right-of-way, a wind energy system may be placed no closer than one rotor radius from the closest edge of the right-of-way. Leased property can include more than one piece of property and the requirement shall apply to the combined properties.

(3) SCADA (supervisory control and data acquisition) or meteorological (MET) towers shall also comply with the property setback requirement. The setback shall be at least the height of the SCADA or MET tower. An operations and maintenance office building, a substation, or ancillary equipment shall comply with any property setback requirement that may be applicable to that type of building or equipment. Overhead transmission lines and power poles shall comply with the setback requirements applicable to public utilities.

(C) The maximum height of any commercial grade wind energy systems shall be 300 feet from the tip of the blade at its highest point.

(D) The tip of the blade for a commercial wind energy system shall come no closer to the ground than 35 feet.

(E) On site use wind energy systems shall not exceed 55 Db(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 Db(A), the standard shall be ambient Db(A) plus five Db(A).

(Ord. passed 5-13-2009)

§ 155.224 WIND SITE ASSESSMENT FOR UTILITY GRADE WIND ENERGY SYSTEMS.

(A) Prior to the construction of a utility grade wind energy system, a wind site assessment is conducted to determine the wind speeds and the feasibility of using the site. Installation of anemometer towers also known as meteorological or "MET" towers shall be considered a special land use. Prior to the installation of the tower, an application for a special land use permit shall be filed with the township that will include:

(1) Applicant identification;

(2) A site plan;

(3) A copy of that portion of the applicant's lease with the land owner granting authority to install the MET tower and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment; and

(4) Proof of the applicant's public liability insurance. The distance from the center of a MET tower and the property lines between the leased property and the non-leased property shall be at least the height of the MET tower.

(B) Leased property can include more than one piece of property and the requirement shall apply to the combined properties.

(C) A utility grade wind energy system is designed and built to provide electricity to the electric utility grid. Utility grade wind energy systems shall be considered a special land use. Prior to the installation of a utility grade wind energy system, an application for a special land use permit shall be filed with the township and shall include the following:

(1) *Applicant identification.* Applicant name, address, and contact information;

(2) *Project description.* A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule;

(3) *Site plan.* The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include:

- (a) The project area boundaries;
 - (b) The location, height, and dimensions of all existing and proposed structures and fencing;
 - (c) The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road;
 - (d) Existing topography;
 - (e) Water bodies, waterways, wetlands, and drainage channels; and
 - (f) All new above-ground infrastructure related to the project.
- (4) *Insurance*. Proof of the applicant's public liability insurance;
- (5) *Sound pressure level*. Copy of the modeling and analysis report;
- (6) *Certifications*. Certification that applicant has complied or will comply with all applicable state and federal laws and regulations. Copies of all such permits and approvals that have been obtained or applied for at time of the application;
- (7) *Visual impact*. Visual simulations of how the completed project will look from four viewable angles;
- (8) *Environment impact*. Copy of the environment impact analysis;
- (9) *Avian and wildlife impact*. Copy of the avian and wildlife impact analysis;
- (10) *Shadow flicker*. Copy of the shadow flicker analysis;
- (11) *Manufacturer's material safety data sheet(s)*. Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants;
- (12) *Decommissioning*. Copy of the decommissioning plan; and
- (13) *Complaint resolution*. Description of the complaint resolution process.
- (D) A utility grade wind energy system will be allowed in an AR, Commercial, and Industrial District by special land use permit.
- (E) A utility grade wind energy system shall not be located closer than 75 feet from any structure.

(Ord. passed 5-13-2009)

§ 155.225 APPLICATION.

An applicant shall remit an application fee in the amount specified in the fee schedule adopted by the township. This schedule shall be based on the cost of the application review and may be adjusted from time to time.

(Ord. passed 5-13-2009)

§ 155.226 UTILITY GRADE WIND ENERGY SYSTEM REQUIREMENTS.

The utility grade wind energy system project shall meet the following standards and requirements in §§155.226 through 155.237.

(Ord. passed 5-13-2009)

§ 155.227 PROPERTY SETBACK.

(A) The distance between a utility grade wind energy system and the property lines of adjacent non-leased properties, including public rights-of-way, shall be at least the height of the wind energy system tower including the top of the blade in its vertical position.

(B) Where property is leased on both sides of a public right-of-way, a wind energy system may be placed no closer than one rotor radius from the closest edge of the right-of-way. Leased property can include more than one piece of property and the requirement shall apply to the combined properties.

(C) SCADA (supervisory control and data acquisition) or meteorological (MET) towers shall also comply with the property setback requirement. The setback shall be at least the height of the SCADA or MET tower.

(D) An operations and maintenance office building, a substation, or ancillary equipment shall comply with any property setback requirement that may be applicable to that type of building or equipment.

(E) Overhead transmission lines and power poles shall comply with the setback requirements applicable to public utilities.

(Ord. passed 5-13-2009)

§ 155.228 SOUND PRESSURE LEVEL.

(A) The sound pressure level generated by a utility grid wind energy system shall not exceed 55 Db(A) measured at the property lines between leased and non-leased property. This sound pressure level shall not be exceeded for more than three minutes in any hour of the day. If the ambient sound pressure level exceeds 55 Db(A), the standard shall be ambient Db(A) plus five Db(A).

(B) As part of the application and prior to installation, the applicant shall provide modeling and analysis that will confirm that the utility grade wind energy system will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613.

(C) After installation of the utility grade wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specification for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 60 days of the commercial operation of the project.

(Ord. passed 5-13-2009)

§ 155.229 CONSTRUCTION CODES, TOWERS, AND INTERCONNECTION STANDARDS.

(A) Utility grade wind energy systems, including towers, shall comply with all applicable state construction and electrical codes and local building permit requirements.

(B) Utility grade wind energy systems, including towers, shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, being M.C.L.A. §§ 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, being M.C.L.A. §§ 259.481 et seq.), and local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by FAA.

(C) Utility grade wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards. The tip of the blade shall come no closer to the ground than 35 feet.

(Ord. passed 5-13-2009)

§ 155.230 SAFETY.

(A) All utility grade wind energy systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.

(B) All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system.

(C) A sign shall be posted near the tower or operations and maintenance office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice and an emergency contact telephone number.

(Ord. passed 5-13-2009)

§ 155.231 VISUAL IMPACT.

(A) Utility grade wind energy system projects shall use tubular towers and all utility grade wind energy systems in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project.

(B) No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification.

(C) The applicant shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government's comprehensive plan.

(Ord. passed 5-13-2009)

§ 155.232 ENVIRONMENT IMPACT.

(A) The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities.

(B) The applicant shall take appropriate measures to minimize, eliminate, or mitigate adverse impacts identified in the analysis.

(C) The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

(D) The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Public Act 451 of 1994, being M.C.L.A. §§ 324.11501 et seq.) including, but not limited to, Part 31 - Water Resources Protection (M.C.L.A. §§ 324.3101 et seq.), Part 91 - Soil Erosion and Sedimentation Control (M.C.L.A. §§ 324.9101 et seq.), Part 301 - Inland Lakes and Streams (M.C.L.A. §§ 324.30101 et seq.), Part 303 - Wetlands (M.C.L.A. §§ 324.30301 et seq.), Part 323 - Shoreland Protection and Management (M.C.L.A. §§ 324.32301 et seq.), Part 325 - Great Lakes Submerged Lands (M.C.L.A. §§ 324.32501 et seq.), and Part 353 - Sand Dunes Protection and Management (M.C.L.A. §§ 324.35301 et seq.).

(E) The applicant shall be responsible for making repairs to any public roads damaged by the construction of the utility grade wind energy system.

(Ord. passed 5-13-2009)

§ 155.233 AVIAN AND WILDLIFE IMPACT.

(A) The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts of wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

(B) Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.

(C) At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bat, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act, being 16 U.S.C. §§ 1531 et seq., and Michigan's Endangered Species Protection Law, being M.C.L.A. §§ 324.36501 et seq. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted.

(D) Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC, <http://www.aplinc.org/>) published standards to prevent avian mortality. Applicants must comply with applicable sections of the federal Endangered Species Act and Michigan's Endangered Species Protection Law. The applicant should be aware that taking of these species is prohibited by state and/or federal law unless the proper permits or exemptions are acquired. Early coordination with state and federal agencies is recommended.

(E) The applicant or the applicant's impact analyst should contact the U.S. Fish and Wildlife's East Lansing Field Office regarding federally-listed species and the Michigan Department of Natural Resources for state-listed species.

(Ord. passed 5-13-2009)

§ 155.234 ELECTROMAGNETIC INTERFERENCE.

(A) No utility grade wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennas for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system.

(B) No utility grade wind energy system shall be installed in any location within the line of sight of an existing microwave communications list where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation, unless the interference is insignificant.

(Ord. passed 5-13-2009)

§ 155.235 SHADOW FLICKER.

(A) The applicant shall conduct an analysis on potential shadow flicker at occupied structures. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected duration of the flicker at these locations from sunrise to sunset over the course of a year.

(B) The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.

(Ord. passed 5-13-2009)

§ 155.236 DECOMMISSIONING.

(A) The applicant shall submit a decommissioning plan.

(B) The plan shall include:

- (1) The anticipated life of the project;
- (2) The estimated decommissioning costs, net of salvage value in current dollars;
- (3) The method of ensuring that funds will be available for decommissioning and restoration; and
- (4) The anticipated manner in which the project will be decommissioned and the site restored.

(Ord. passed 5-13-2009)

§ 155.237 COMPLAINT RESOLUTION.

(A) The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint.

(B) During construction, the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

(Ord. passed 5-13-2009)

SOLAR ENERGY SYSTEMS

§ 155.240 PURPOSE.

This subchapter is intended to promote the public health, safety, and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the township by regulating the use of solar generated power systems.

(Ord. 19-01, passed 9-11-2019)

§ 155.241 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SOLAR ENERGY SYSTEM (SES). A system consisting of a device or combination of devices, structures or parts thereof, that collect, transfer or transform solar radiant energy into thermal, chemical or electrical energy, excluding systems that substantially rely on mirrors or similar technologies to focus solar radiant energy onto a considerably smaller area, and sometimes referred to as "concentrated solar power" systems or "CSP" systems.

(1) **SMALL SOLAR ENERGY SYSTEM (SMALL SES).** A solar energy system that relies on roof mounted and/or ground mounted collection systems that have a total cumulative surface area of no more than 2,000 sq. ft. A **SMALL SES** typically serves a single residence unit, agricultural operation, business or other singular facility, located on the same lot as the **SMALL SES**.

(2) **MEDIUM SOLAR ENERGY SYSTEM (MEDIUM SES).** A solar energy system that relies on roof mounted and/or ground mounted collection systems that have a total cumulative surface area of more than 2,000 sq. ft. but not more than 10,000 sq. ft. A **MEDIUM SES** commonly serves multiple dwellings, businesses and/or other facilities, all on a single lot on which the system is located and may serve users on other lots.

(3) **LARGE SOLAR ENERGY SYSTEM (LARGE SES).** A solar energy system that relies on roof mounted and/or ground mounted collection systems that have a total cumulative surface area of more than 10,000 sq. ft. and/or is used principally to provide service to customers not located on the same lot as the **LARGE SES**, irrespective of the cumulative area of the panels. **LARGE SES** commonly serves multiple dwellings, businesses and/or other facilities, all on a single lot on which the system is located and may serve users on other lots including in association with energy utility providers.

(4) **SELF-CONTAINED ENERGY SYSTEMS.** Solar energy systems that do not exceed four square feet in total solar collector panel area and intended to provide energy to operate a device to which such panel is attached such as in the case of a panel powering an exterior light or an attic fan.

(5) **SOLAR COLLECTION PANELS.** Panels and/or tiles comprised of semiconductor devices and typically referred to as photovoltaic cells, which collect and convert solar energy directly into electricity. Ground mounted solar collection panels are panels attached to the ground by a pole, metal frame or other similar support structure.

(Ord. 19-01, passed 9-11-2019)

§ 155.242 SOLAR ENERGY SYSTEMS (SES).

(A) *Compliance with district regulations.* A solar energy system (SES) shall comply with the regulations of the district in which it is located as provided otherwise by this section.

(B) *Small solar energy systems (small SES).*

(1) *Small SES authorization, review and approval procedures.* A small SES is a permitted accessory use/structure in all districts. Small SES shall be subject to Zoning Administrator approval. An application for a small SES shall include all information required by this chapter, including the delineation of all SES structures and facilities, and all structures on adjacent properties within 50 feet of a shared lot line.

(2) *Small SES general provisions.* Small SES collection panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties and public roads. The applicant shall submit documentation to verify compliance with this requirement. When deemed necessary, the Zoning Administrator may require a report from a qualified person with documented training, certification and/or licensing in the generation of glare associated with SES, including training in the use of computer software designed to assess glare potential, attesting to the glare impact on nearby properties and public roads.

(3) *Small SES roof-mounted systems.* No system part of a small SES roof-mounted system shall exceed the height restriction in the defined zoning district. In addition, the SES measured to the ground below shall not exceed the building height restriction of the district in which it is located.

(4) *Small SES ground-mounted systems.*

(a) Small SES ground-mounted collection panel systems and associated equipment are prohibited in a front yard and shall be set back a minimum of 15 feet from all side and rear lot lines.

(b) Small SES ground-mounted collection panel systems and associated equipment shall not exceed 15 feet in height as measured from the ground below.

(c) If a ground mounted small SES ceases to operate or is abandoned for six months, or is deemed by the Building Inspector to be unsafe or not consistent with the building code, the applicant shall repair and restore the system to good working order within 30 days of notification by the Zoning Administrator, or otherwise remove the system in its entirety including posts, equipment, panels, foundations and other features and restore the ground to its preconstruction state. The Zoning Administrator may permit a repair period greater than 30 days if the Zoning Administrator determines a longer period is necessary due to conditions not within the control of the applicant.

(C) *Medium solar energy systems (medium SES).*

(1) *Medium SES authorization, review and approval procedures.* A medium SES is permitted as an accessory use only, and only in the C-Commercial, IND-Industrial and AR-Agricultural Districts. A medium SES shall be subject to the site plan approval according to §§ 155.095 through 155.101 of the Zoning Ordinance.

(2) *Medium SES general provisions.*

(a) Medium SES collection panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties and public roads. The applicant shall submit a report to the Planning Commission, prepared by a qualified person with documented training, certification and/or licensing in glare associated with SES including training in the use of computer software designed to assess glare potential, attesting to the glare and radiation impact on nearby properties and public roads and verifying compliance with this section.

(3) *Medium SES roof-mounted systems.* No part of a medium SES roof-mounted system shall extend more than six feet above the roof surface directly below such system part but in no case shall the total height of the SES, measured to the ground below, exceed the building height restriction of the district in which it is located.

(4) *Medium SES ground-mounted systems.*

(a) *Yard and setback restrictions.*

1. Within the C-Commercial and IND-Industrial Districts, ground-mounted collection systems and associated equipment are prohibited in a front yard and shall be set back a minimum of 15 feet from all side and rear lot lines. The setback shall be increased to 40 feet along those segments of a shared lot line where the adjacent lot is in an Agricultural or Residential District.

2. Within the AR-Agricultural and IND-Industrial Districts, ground mounted collection panels and associated equipment are permitted in front, side and/or rear yards provided such systems and equipment shall be back a minimum of 15 feet from side and rear lot lines and 100 feet from a front lot line. The side and rear yard setback shall be increased to 40 feet along those segments of a shared lot line where the adjacent lot is in an Agricultural or Residential District.

(b) Ground-mounted solar collection panels shall not exceed 18 feet in height.

(c) In the case of ground mounted solar panels located on a lot that is adjacent to a lot in an Agricultural or Residential District, including on the opposite side of a public road, screening shall be provided along such shared lot lines. The screening shall consist of evergreen trees of a minimum of six feet in height at the time of planting and with a projected growth rate of a minimum of six inches per year and to a minimum projected height of 20 feet and spaced no greater than 12 feet apart measured on-center. The site plan shall specify the proposed plant material according to common name, botanical name, and minimum plant size. All plant material shall be maintained in a healthy condition to provide the intended screening, shall be permitted to grow according to its natural habit, and shall be replaced upon death or disease.

1. In the case where a dwelling is present within 75 feet of a shared lot line, a second row of tree plantings shall be provided and placed no greater than 12 feet from the first row as measured on-center, with the second row of trees positioned in a staggered formation to the first row to have trees spaced at no greater than six feet on-center as viewed from the shared lot lines.

2. Required screening need not be in the immediate area of the panels that the plantings are intended to screen if the planting locations provided for the intended screening effect. No tree shall be located within five feet of the lot line.

3. The Planning Commission may decrease the number of required plantings, required plant spacing and/or planting height requirements by a maximum 50% where specific conditions warrant such modifications, such as, by example, the adjacent property is vacant and not likely to be developed within the next three years based on nearby development trends during the preceding three years, where natural features are present that serve to assist in the screening of the panels such as topographic or vegetative conditions, or where existing structures will assist in the screening of the panels. In no case shall required screening along a public road right-of-way be reduced.

(d) Ground-mounted medium SES shall comply with the small SES requirements regarding cessation of operations, abandonment and/or disrepair.

(e) Fencing that may be installed as part of a ground-mounted medium SES shall be exempt from the fence height restrictions of this subchapter, including § 4.10, subject to site plan review, but in no case shall such fencing exceed seven feet in height. Where fencing is to be erected in excess of five feet in height, a minimum of 50% of the required tree plantings shall be on the exterior side of the fencing. Where fencing is to restrict the free flow of air by more than 10% opacity of the fence, the Planning Commission may require additional vegetative screening measures to minimize the visual impact of such fencing. If fencing is proposed, fencing details shall be submitted as part of the required site plan.

(f) *Decommissioning of a system after useful life.*

1. Plans for medium SES shall include a decommissioning and final land reclamation plan after anticipated useful life or abandonment or termination of the project, including evidence of an agreement with the property owner that ensures proper final removal of power equipment within six to 12 months of decommissioning.

2. A performance bond in an amount sufficient to cover the cost of decommissioning of the system and restoration of the construction site shall be posted by the applicant prior to commencement of any construction activity.

(D) *Large solar energy systems (large SES).*

(1) *Large SES authorization, review and approval procedures.* Large SES are permitted as a special land use only, and only in Agricultural Residential Districts, Commercial Districts, and Industrial Districts by special land use permit. Large SES shall comply with special land use application, review and approval provisions of §§ 155.130 through 155.136 of the Code of Ordinances, including site plan review.

(2) *Large SES general provisions.* Large SES shall comply with site development standards of subsection (C) for medium SES.

(3) The applicant shall provide a performance guarantee subject to review and approval of the Township Attorney. The performance guarantee shall be posted prior to the building permit being issued.

(E) *Self-contained SES.* Self-contained SES are permitted in all districts and may be erected without the issuance of a zoning permit, subject to the restriction of this section.

(1) *Heights.* Self-contained solar energy systems shall not exceed the height restriction in the defined zoning district, in addition the SES measured to the ground below, shall not exceed the building height restriction of the district in which it is located. In the case of roof-mounted self-contained SES, no system part of the SES shall extend more than four feet above the roof surface directly below such system part, but in no case shall the total height of the SES measured to the ground below exceed the building height restriction of the district in which it is located.

(F) *Exempt SES.* The following is exempt from the regulations of this section: roof-mounted SES that function as shingles or otherwise shingle-like in general character.

(G) *Decommissioning of a system after useful life.*

(1) Plans for large SES shall include a decommissioning and final land reclamation plan after anticipated useful life or abandonment or termination of the project, including evidence of an agreement with the property owner that ensures proper final removal of power equipment within six to 12 months of decommissioning.

(2) A performance bond, irrevocable letter of credit, cash, etc. in an amount sufficient to cover the cost of decommissioning of the system and restoration of the construction site shall be posted by the applicant prior to commencement of any construction activity.

(Ord. 19-01, passed 9-11-2019)

ZONING BOARD OF APPEALS

(A) *Established.* There is hereby created a Zoning Board of Appeals, which shall perform its duties and exercise its powers and jurisdiction, as provided in the Zoning Act, being M.C.L.A. §§ 125.3101 et seq., and by certain provisions of this subchapter; to the end that the objectives of this subchapter are observed, public safety, morals, and general welfare secured, and substantial justice done.

(B) *Membership.*

(1) The Zoning Board of Appeals shall consist of five members appointed in accordance with the requirements of the Zoning Act, being M.C.L.A. §§ 125.3101 et seq. The term of each member shall be three years and until a successor has been appointed and qualified, which successor must be appointed not more than one month after the expiration of the preceding term.

(2) One member of the Board shall be a member of the Planning Commission. One member of the Township Board may also be a member of the Board. Members from the Township Board and from the Planning Commission shall have terms limited to their respective other official terms or to such lesser period determined by resolution of the Township Board at the time of appointment.

(3) No employee of the township shall be a member of the Zoning Board of Appeals.

(4) Vacancies of the Board for unexpired terms shall be filled for the remainder of the term.

(5) Members of the Board may be removed by the Township Board for misconduct in office upon written charges and after public hearing.

(C) *Alternate members.*

(1) The Township Board may appoint not more than two alternate members to the Zoning Board of Appeals for the same term as regular members. If two alternate members have been appointed, they may be called on a rotating basis, as they are available to sit as regular members of the Zoning Board of Appeals in the absence of a regular member.

(2) An alternate member may also be called to serve in the place of a regular member when such member has abstained for reasons of conflict of interest or in the case of an absence of 30 days or more, or absence from two or more consecutive meetings. The alternate member having been appointed shall serve in the case until a final decision has been made.

(3) The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals. An alternate member shall only serve to discuss or vote upon a case in the absence of or upon the declaration of a conflict of interest of a regular member.

(D) *Procedures.* The Zoning Board of Appeals shall fix rules and regulations to govern its procedures.

(E) *Quorum.* The Zoning Board of Appeals shall not conduct business unless a majority of the membership of the Zoning Board of Appeals is present, including alternates when sitting as a regular member.

(Ord. passed 7-30-2015)

§ 155.251 JURISDICTION.

(A) The Zoning Board of Appeals shall have the power to hear and decide, in accordance with the provisions of this subchapter, applications for interpretations of this chapter, and may make decisions on any other questions on which the Board is authorized by this chapter or the Zoning Act being M.C.L.A. §§ 125.3101 et seq., to pass. In exercising all of its powers, the Zoning Board of Appeals shall apply the standards of § 155.253.

(B) When there is any question as to the location of any boundary line between districts, upon a request for an interpretation of the zoning maps, the Zoning Board of Appeals shall establish the boundary based upon said maps and all available information relating thereto, and shall establish such boundaries in such ways as to carry out the intent and purposes of this chapter and the Master Plan.

(C) The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official or body charged with the enforcement of any provisions of this chapter.

(D) The Zoning Board of Appeals shall act upon all questions as may arise in the administration of this chapter, including the interpretation of the language of this chapter.

(E) The Zoning Board of Appeals shall not be permitted to hear appeals from special land use decisions.

(Ord. passed 7-30-2015)

§ 155.252 APPLICATION AND HEARING PROCEDURE.

(A) An application to the Zoning Board of Appeals shall be submitted in accordance with the following procedures.

(1) Applications shall be submitted to the Zoning Administrator who will review the application for validity, then transmit it to the Zoning Board of Appeals. Applications not meeting the requirements shall be returned to the applicant for completion.

(2) A valid application for to the Zoning Board of Appeals shall consist of the following:

(a) Five copies of a site plan drawn to scale which is sufficient to describe the nature of the request, if applicable;

(b) A completed application form, as provided by the township;

(c) Payment of a fee in accordance with a fee schedule, as determined by the Township Board from time to time; and

(d) A legal description of the entire property which is the subject of the request.

(B) The Zoning Board of Appeals shall give written notice of the hearing to all persons to whom real property is assessed within 300 feet of the property to be affected by an application for a variance at least five days prior to the hearing. The Zoning Board of Appeals shall maintain satisfactory evidence that notices have been mailed.

(Ord. passed 7-30-2015)

§ 155.253 STANDARDS OF REVIEW.

(A) *Granting of non-use variances.* A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are addressed.

(1) The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.

(2) The variance will not impair the intent and purpose of this chapter.

(3) The immediate practical difficulty causing the need for the variance request was not created by any action of the applicant or predecessor.

(4) The variance requested is the variance necessary to meet the purpose and intent of the chapter and to meet the other standards of review in this section.

(5) Would a lesser relaxation than applied for give substantial relief to the owner of the property involved and be more consistent with justice to other property owners, and whether relief can be granted in such fashion that the spirit of the chapter will be observed and public safety and welfare secured.

(B) *Granting of use variances.* A use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of

unnecessary hardship in the official record of the hearing that all of the following conditions are addressed.

- (1) The proposed use will not alter the essential character of the neighborhood.
- (2) The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
- (3) The variance will not impair the intent and purpose of this chapter.
- (4) The unnecessary hardship causing the need for the variance request was not created by any action of the applicant or predecessor.

(Ord. passed 7-30-2015; amended 6- -2011)

§ 155.254 DECISIONS OF THE ZONING BOARD OF APPEALS.

(A) The concurring vote of at least a majority of the total number of members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or body or to decide in favor of the appellant on any matter.

(B) All decisions of the Zoning Board of Appeals shall become final after the date of the meeting at which the decision is made and the record of the meeting shall be the written record of said meeting.

(Ord. passed 7-30-2015; Ord. 18-01, passed 8-8-2018)

§ 155.255 RESUBMISSION.

(A) No variance request, or substantially similar request, which has been decided by the Zoning Board of Appeals shall be submitted for reconsideration within a one-year period from the date of the original application.

(B) After the one-year period, the application will only be considered if the applicant first demonstrates the following:

- (1) The conditions involving all of the reasons for the original denial have been significantly altered; or
- (2) New conditions or circumstances exist which change the nature of the original request.

(Ord. passed 7-30-2015)

ADMINISTRATION AND ENFORCEMENT

§ 155.270 ZONING ADMINISTRATOR.

The provisions of this chapter shall be administered and enforced by the Zoning Administrator, or such other township official as may be designated by the Township Board by resolution, who shall be appointed by the Township Board.

(Ord. passed 7-30-2015)

§ 155.271 DUTIES OF THE ZONING ADMINISTRATOR.

(A) This chapter shall be enforced by the Zoning Administrator, Building Inspector, or such other township official as may be designated by the Township Board by resolution, who shall in no case issue any building permit, nor grant any occupancy permit where the proposed structure, alteration, or use would be in violation of any provisions of this chapter, except under written order of the Board of Appeals or a court of competent jurisdiction.

(1) The Zoning Administrator shall investigate any alleged violation of this chapter as may be discovered. If a violation is found to exist, the Zoning Administrator shall serve written notice upon the owner to cease said violation as provided by law. If said owner fails to act diligently to correct said violation and does not correct such violation within 30 days or any extension of time required by the Zoning Administrator, the township shall serve notice upon the owner and the township shall determine what method of enforcement is warranted.

(2) The Building Inspector shall inspect all new construction or alterations at the time footings are placed, when framing is underway, and at the completion of the construction or alterations authorized. The Building Inspector shall make such additional inspections deemed necessary to ensure compliance with the provisions of this chapter. The Zoning Administrator shall make periodic inspections of the township to ascertain that all the requirements of this chapter are being complied with.

(B) The Zoning Administrator and Building Inspector shall keep records of all inspections, applications, and permits issued, with a notation of all special conditions involved. They shall file with the township and safely keep copies of all plans, other than for single-family dwellings, and records of all fees submitted with applications. The same shall form a part of the records of the township and shall be available to the Township Board and all other officials of the township.

(Ord. passed 7-30-2015)

§ 155.272 ZONING COMPLIANCE AND BUILDING PERMITS.

(A) No structure or part thereof shall be constructed, reconstructed, erected, moved, enlarged, or altered, nor shall any use on any property be commenced or changed to another use, until a zoning compliance permit has been granted by the Zoning Administrator. Application for a zoning compliance permit shall be filed by the owner or an agent of the owner and it shall state the intended use of the structure and of the land. The application shall be accompanied by building plans and specifications, a plot plan, a site plan where required, and such other information as may be necessary to provide for the enforcement of this chapter.

(B) Plans shall be drawn to scale and shall show dimensions in figures. Plans shall be signed by the person preparing them and by the owner of the property or building involved. A fee as established by the Township Board from time to time to defray the costs of administration and inspections shall accompany any plans or applications for a zoning compliance or building permit.

(C) A zoning compliance permit shall only be issued if the plans and intended use conform in all respects to the provisions of this chapter and all other applicable township ordinances. All zoning compliance permits shall expire one year from their date of issuance.

(D) A zoning compliance permit shall be issued prior to the issuance of any required building permit. A copy of all approved building permits shall be sent to the Assessor.

(E) A zoning compliance permit shall not be issued until the owner provides sufficient documentation that the lot involved has been created in conformance with this chapter and/or state and township subdivision regulations and all other applicable township ordinances.

(F) Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan, adequate to illustrate compliance with the requirements of this chapter shall be submitted to the Zoning Administrator. If the dwelling unit is a manufactured home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to manufactured homes set forth in this section.

(G) All manufactured homes shall meet the standards for manufactured home construction contained in the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards" effective June 15, 1976, as amended. All other dwellings shall meet the requirements of the construction code adopted by the township and the Michigan Construction Code for snow loading.

(H) The Zoning Administrator shall review all plans and specifications within a reasonable period of time, prior to taking appropriate action thereon.

(I) The zoning compliance permit and building permit shall be displayed at all times so as to be visible from a public street at the site where authorized action is being undertaken.

(Ord. passed 7-30-2015; amended 5- -2010)

§ 155.273 PROPERTY SURVEYS.

If the Zoning Administrator, in the performance of his or her duties under this chapter (or the Planning Commission, Zoning Board of Appeals, and Township Board pursuant to their zoning review and approval powers under this chapter), shall deem it necessary that a survey be done by a professional surveyor or engineer for property at issue (including a written drawing and stakes set on the property boundaries or corners) in order to ensure that all requirements of this chapter will be met, such survey and related information may be required by the township and shall be paid for and provided by the property owner or applicant and no building permit or other township permit(s) shall be issued or approved until and unless such survey and related information has been provided to the township.

(Ord. passed 7-30-2015)

§ 155.274 CERTIFICATE OF OCCUPANCY.

No land shall be used and no building hereafter erected or altered shall be occupied or used for any purpose until a certificate of occupancy shall have been issued by the Building Inspector stating that the premises or building complies with the provisions of approved plans and all ordinances of the township. Where any special land use or site plan review conditions are applicable, said conditions shall be stated on the certificate of occupancy. A record of all certificates of occupancy shall be kept on file in the township. A fee as established by the Township Board from time to time shall be charged for each occupancy permit. A copy shall be sent to the Township Clerk and Assessor.

(Ord. passed 7-30-2015)

§ 155.275 ZONING ORDINANCE AMENDMENTS.

(A) *Initiation.*

(1) An amendment to the zoning map, which is adopted as part of this code of ordinances, may be initiated by the Township Board or Planning Commission on a motion by either body, or by a verified application of one or more of the owners or lessees of property within the area proposed to be changed, or by a person authorized in writing by the property owner to submit such application.

(2) An amendment to the text of the Zoning Ordinance may be initiated by the Township Board or Planning Commission on a motion by either body or by a verified application of any person affected by the provision requested to be changed.

(3) Any proposed use not addressed by this chapter shall be subject to the provisions of this section as an amendment to the chapter. The Township Board, upon recommendation of the Planning Commission, shall determine the appropriate district and whether the use shall be a permitted use or special land use.

(B) *Procedure for changes.*

(1) Applications for zoning ordinance map or text amendments shall be submitted to the Planning Commission upon forms supplied by the township, along with the following:

(a) A legal description of the property to be affected by a proposed change to the zoning map or a typewritten copy of the proposed text amendment, including specific references to the portions of the existing ordinance section and language;

(b) A drawing or map showing, at a suitable scale, the property to be changed by an amendment to the zoning map and the location of properties within 500 feet of the property affected by the amendment;

(c) Payment of a fee in accordance with a fee schedule, as determined by the Township Board from time to time; and

(d) Any other information which may be required by the township.

(2) Before submitting its recommendation to the Township Board, the Planning Commission shall hold at least one public hearing, notice to be given in accordance with the requirements of the Zoning Act, being M.C.L.A. §§ 125.3101 et seq.

(3) The Planning Commission shall transmit a summary of comments received at the public hearing, along with the recommendation of the Planning Commission, to the Township Board. The Township Board may hold additional hearings if it considers it necessary, in accordance with the requirements of the Zoning Act, being M.C.L.A. §§ 125.3101 et seq.

(4) In considering a recommendation for an amendment to the zoning map, the Planning Commission shall consider:

(a) All possible uses within the area requested to be re-zoned and not just those that the property owner requests;

(b) The purposes for which property in the immediate vicinity is zoned;

(c) The Master Plan;

(d) The character of the zoning district, its particular suitability for particular uses, and the general trend and character of building and population development; and

(e) The public services available and the public services needed for the zoned use and the proposed use.

(C) *Resubmission.*

(1) Whenever a proposed zoning map or text change has been denied by the Township Board, the Planning Commission shall not reconsider a map or text change for at least one year following the date of the original application unless the Planning Commission finds that at least one of the following conditions exist:

(a) The conditions involving all of the reasons for the original denial have been significantly altered; or

(b) New conditions or circumstances exist which change the nature of the original request.

(2) If the Planning Commission has conducted a public hearing on the same application, the Planning Commission shall not process an application or conduct a hearing unless it finds that the requirements of division (C)(1)(a) or (C)(1)(b) above are satisfied.

(Ord. passed 7-30-2015; amended 4- -2010)

§ 155.276 SCHEDULE OF FEES.

(A) No action shall be taken on any application for any variance, ordinance amendment, site plan review, special land use, or any other review required by this chapter by the Township Board, Planning Commission, or Board of Appeals, unless or until fees connected with such application, as determined from time to time by the Township Board, have been paid.

(B) Where structures have begun construction or are occupied before any required approval is granted, the fees for such application approval shall be doubled. Payment of such fees shall not relieve any person from fully complying with the requirements of this chapter, nor shall it prohibit the township from pursuing the enforcement procedures and remedies provided by this chapter.

(C) The Planning Commission and/or Township Board may require the submission of a reasonable review fee which the township may use to pay for the services of a qualified attorney, engineer, planner, inspector, or other individual which the Planning Commission and/or Township Board deem necessary. Said fees shall only be used for the review of any proposal covered under the terms of this chapter. All such fees shall be held in escrow and any unused fees shall be returned to the applicant.

(Ord. passed 7-30-2015)

§ 155.277 PERFORMANCE GUARANTEES.

(A) The Planning Commission, Zoning Board of Appeals, and Township Board are empowered to require a performance bond, letter of credit or cashier's check, or other suitable negotiable security, in an amount equal to the estimated cost of improvements associated with the project.

(B) A performance guarantee shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the activity or project to ensure faithful completion of the improvements indicated with the approved site plan; if the improvement(s) is not completed, or is partially completed, the performance bond or cashier's check shall be forfeited in the amount necessary to complete the improvement.

(C) The township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator.

(D) In cases where the improvements indicated with the approved site plan have not been completed in accordance with the approval granted, the amount of the aforementioned performance guarantee may be used by the township to complete the required improvements. The balance, if any, shall be returned to the applicant.

(Ord. passed 7-30-2015)

§ 155.278 RECORDING OF MEETINGS.

The Planning Commission or Zoning Board of Appeals may video tape or otherwise record its public hearings or other meetings. A copy of the tape or recording shall be provided to any person requesting a copy. The fee for the copying shall be paid by the person requesting it. For any appeal taken of a township action by an applicant or other person, a transcription of the tape, if provided, by a certified court reporter shall be required and provided to the township at no cost by the appellant.

(Ord. passed 7-30-2015)

§ 155.279 COMPLAINTS ABOUT PHYSICAL CHANGES.

The Zoning Administrator/Building Official shall undertake the following actions with respect to complaints about physical changes made to properties within the township made by a person other than the owner.

(A) Observe the property in question;

(B) Determine whether the complaining party knows when the physical changes were made;

(C) Determine whether the complaining party has photographs or other documentary evidence as to the property prior to and after the alleged physical change;

(D) Research in the files of the Zoning and Building code office for permits;

(E) If the complaint respects an entirely new building or an addition to a building, notify the township's Assessing Officer of the change so as to permit him or her to determine whether to adjust the assessment of the property; and

(F) Undertake an evaluation with the Township Attorney as he or she may deem necessary as to whether the complaint can be established in Cass County District Court by a preponderance of the evidence with the following considerations:

(1) Whether there is photographic and/or documentary evidence;

(2) Whether the lack of documentary evidence can establish a violation (as in the case of no permit);

(3) If it appears that the physical change occurred more than 18 months prior to the complaint, and there has been no intervening complaint, the case is likely to be dismissed for "laches";

(4) Whether testimony as to the type and time of construction is available;

(5) If the Zoning Administrator/Building Official did not personally observe the construction, the Zoning Administrator is required by Michigan statute to request permission of the Township Attorney to issue a citation;

(6) The Zoning Administrator and Township Attorney may consult in terms of whether a Municipal Civil Infraction Violations Bureau or a court citation should be issued; and

(7) The potential for obtaining a court order establishing that the zoning violation is a nuisance per se, subject to abatement.

(G) If the complaining party requests a determination as to disposition of the complaint, the Zoning Administrator may provide such information so long as it is a public record and is not covered by the attorney-client privilege.

(Res. 19-06, passed 3-13-2019)

§ 155.999 PENALTY.

(A) Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained, or used; or any use of a lot or land which is begun, maintained, or changed in violation of any term or provision of this chapter, is hereby declared to be a nuisance per se.

(B) (1) A violation of this chapter constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this chapter, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this chapter, shall be in violation of this chapter and shall be responsible for a civil infraction.

(2) The civil fine for a municipal civil infraction shall be not less than \$50 nor more than \$100 for the first offense and not less than \$200 for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses, and remedies provided by law.

(3) For purposes of this section, **SUBSEQUENT OFFENSE** means a violation of the provisions of this chapter committed by the same person within 12 months of a previous violation of the same provision of this chapter or similar provision of this chapter for which the person admitted responsibility or was adjudged to be responsible.

(4) Each day during which any violation continues shall be deemed a separate offense.

(C) The duly authorized attorney for the township is empowered to prosecute violations.

(D) (1) Upon notice from the Zoning Administrator, Building Inspector, or other such person as designated by resolution of the Township Board, that any use is being conducted or that any work on any building or structure is being prosecuted contrary to the provisions of this chapter or in an unsafe and dangerous manner, that work or use shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved or to the owner's agent, or to the person doing the work; and shall state the conditions, if any, under which the work or use will be permitted to resume.

(2) Any person who shall continue to work in or about the structure or building or use after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this chapter.

(E) The Township Board and/or Township Supervisor may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any violation of this chapter. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

(F) Fines, penalties, or cost of enforcement, including reasonable attorney fees, are collectable as a judgment or may be levied against the property and collected as a property tax.

(Ord. passed 7-30-2015)