

South Branch Township Crawford County, Michigan

ZONING ORDINANCE

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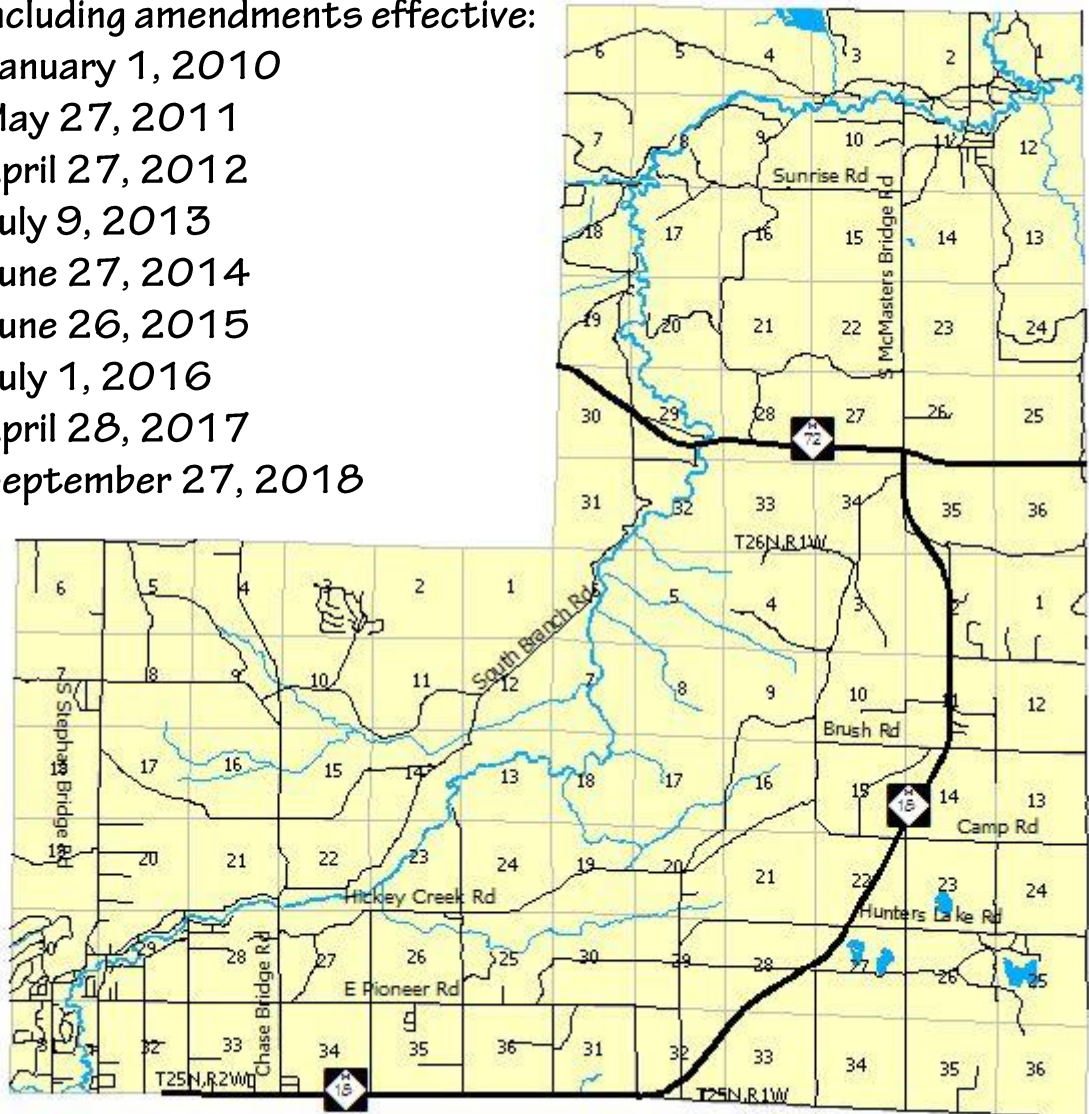
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South Branch Township Zoning Ordinance

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Article 1: Short Title and Purpose

South Branch Township

Preamble

An Ordinance to provide for the establishment of Zoning Districts to encourage and regulate the use of land and proper location of buildings and structures for residence, trade, industry, or other purposes; to regulate dimensions of yards, and other spaces; to protect and preserve the natural environment; and to provide for the administration, enforcement, penalties for violation, and amendment of this Ordinance.

The Township of South Branch ordains:

Article 1: Short Title and Purpose

Section 1.01 Title

This Ordinance shall be known as the South Branch Township Zoning Ordinance.

Section 1.02 Purpose

The purpose of this Ordinance is to:

1. Provide for the orderly development of the Township while minimizing the impacts of incompatible adjoining land uses and preventing nuisances from interfering with the reasonable use and enjoyment of private property. In all cases, it is the purpose of this Ordinance to regulate the use of real property so that it does not adversely impact upon broader public interest;
2. Insure the public health, safety and general welfare;
3. Promote the use of lands and natural resources of the Township in accordance with their character and adaptability and in turn, limit their improper use;
4. Reduce hazards to life and property;
5. Lessen congestion on the public roads and streets;
6. Provide, in the interests of health and safety, the minimum standards under which certain buildings and structures may hereafter be erected and used;
7. Facilitate the development of an adequate system of transportation, education, recreation, sewage disposal, safe and adequate water supply and other public requirements;

8. Conserve life, property and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties.

Section 1.03 Authority

This Ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the Michigan Zoning Enabling Act, Act 110 of Public Acts of 2006, as amended.

Section 1.04 Validity

This Ordinance and various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause thereof irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Article 2: Definitions

South Branch Township

Section 2.01 Definitions

For the purpose of this Ordinance, certain terms used are herein defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular include the plural number, and conversely. The word "shall" is always mandatory and not merely discretionary. Whenever the word "owner" appears it is to be interpreted as including the owner, or his agent, as the case may be. Terms not defined shall be assumed to have the meaning customarily assigned them.

Accessory Building or Structure: Any building or structure that is customarily incidental and subordinate to the use of the principal building or structure, and located on the same zoning lot as the principal building or structure.

Accessory Dwelling: A dwelling unit accessory to a single-family residence, located either in the principal residential structure or an accessory structure, such as a garage. An accessory dwelling commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

Accessory Use: A use naturally and normally incidental and subordinate to the main use of the land or building.

Adjacent Property: Property which adjoins any side or corner of a specific parcel of land.

Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

Adult Bookstore or Adult Video Store: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:

1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, 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.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies 25% or more of the floor area or visible inventory within the establishment.

Adult Cabaret: A nightclub, bar, restaurant, 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 Anatomical Areas or by Specified Sexual Activities;
3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
4. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

Adult Motel: A hotel, motel or similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

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 depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

Agriculture: The act or business of cultivating or using land and soils for the production of crops for the use of animals or humans and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry. Flower, vegetable or other gardens maintained only for the property owner(s) use and/or enjoyment are not considered agricultural.

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

Alternative Tower Structure: Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Anemometer: An instrument for measuring and recording the speed of the wind.

Anemometer Tower: A structure, including all accessory facilities, temporarily erected for no more than two (2) years, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.

Animal Hospital: A self-enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and used as a boarding place for such animals limited to short time boarding incidental to hospital use. Such hospitals include only those under direction of a licensed veterinarian registered in the State of Michigan.

Animal Shelter: A building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect or violation of a public law or ordinance.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals or other communication signals.

Appearance Ticket: see Municipal Civil Infraction Citation.

Architectural Features: Architectural features of a building shall include cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Automobile Repair: Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles or engines; collision repair, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

Automobile Sales Area: Any space used for display, sale or rental of motor vehicles, in new or used and operable condition.

Average: For the purpose of this Ordinance, the term "average" will be an arithmetic mean.

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.

Bed and Breakfast Facility: Any family occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation. For the purpose of this Ordinance, the bed and breakfast facility also includes tourist home.

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

Billboard: see Off-premise Sign.

Board of Appeals: As used in this Ordinance, this term means the South Branch Township Zoning Board of Appeals.

Boat and/or Canoe Livery and Boat Yard: A place where boats and/or canoes are stored, rented, sold, repaired, docked and serviced.

Buffer Strip: A strip of land for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance.

Buildable Area: That portion of a lot remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

Building Height: The vertical distance measured from the average finished natural grade to the highest part of the roof.

Buildable Width: The width of a lot left for building after required side yards are provided.

Building: Any structure having a roof supported by columns, or walls for the shelter or enclosure of persons, animals, property of any kind, or for the conduct of business.

Cabin: A detached building that is used for seasonal occupancy, but not including motels.

Campgrounds: Any parcel or tract of land, under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for five (5) or more recreational units.

Car Wash/Auto Detailing Shop: A building, or portions thereof, the primary use of which is washing and cleaning of motor vehicles.

CB - Commercial & Business District, a zoning district designated in the South Branch Township Zoning Ordinance.

Church: See Place of Worship.

Child Care Facility: A facility for the care of children (persons under 18 years of age), as licensed and regulated by the state under Act 116 of the Public Acts of 1973, being M.C.L.A. §§ 722.111 through 722.128, and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

1. Family Day Care Home – A private home operated by a Michigan licensed day care operator in which at least one (1) but less than seven (7) children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent and legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
2. Group Day Care Home: A private home operated by a Michigan licensed day care operator in which more than six (6) but not more than 12 children are given care and supervision for periods less than 24 hours a day, unattended by a parent or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

3. **Child Care Center or Day Care Center:** A facility, other than a private home, receiving more than six pre-school or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative pre-school, play group or drop-in center. Child Care Center or Day Care Center does not include a Sunday school conducted by a religious institution or a facility operated by a religious institution where children are cared for during short periods of time while persons responsible for such children are attending religious services.
4. **Private Home:** A private residence in which the registered facility operator permanently resides as a member of the household.

Clinic: A building or a portion of a building, or group of buildings where patients are admitted for examination and treatment by one or more professional, such as a physician, dentist, or the like, except that patients are not lodged therein overnight.

Club: Buildings and facilities owned or operated by a corporation, association, person or persons, for social, educational, or recreational purposes.

Condominium Unit: That portion of a condominium development designed and intended for separate ownership and use consistent with the provisions of the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time share unit or any other type of use.

Cottage Industry: A home-based business conducted primarily within a portion of the dwelling or an accessory structure, with outdoor storage allowed only with Planning Commission approval.

Dock: A temporary or permanent structure, built on or over the water, supported by pillars, pilings, or other supporting devices.

Drive-Thru Business: Any restaurant, bank or business with an auto service window.

Driveway, Private: A private lane, which is used for vehicular ingress or egress serving up to four lots, parcels or site condominium units.

Dwelling Unit: A building or portion of a building, either site-built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family, permanently. In the case of buildings, which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

Dwelling, Business Accessory: A dwelling unit accessory to business, located either in the principal business structure or an accessory building. A business accessory dwelling commonly has its own kitchen, bath, living area, sleeping area and usually a separate entrance.

Dwelling, Single-Family: A detached building containing not more than one dwelling unit occupied for residential use.

Dwelling, Manufactured: A building or portion of a building designed for long-term residential use and characterized by all of the following:

1. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended, and
2. The structure is designed to be transported to the site in nearly complete form, where it is placed on a foundation and connected to utilities; and
3. The structure is designed to be used as either an independent dwelling or as a module to be combined with other elements to form a complete dwelling on the site.

Dwelling, Mobile: A factory-built, single-family structure that is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, which does not have wheels or axles permanently attached to its body or frame, and which is constructed according to the National Mobile Home Construction and Safety Standards Act of 1974, as amended.

Dwelling, Multiple Family: A building containing three or more dwelling units occupied for residential use.

Dwelling, Two Family: A building containing not more than two separate dwelling units occupied for residential use.

Easement: A right or interest in a property owned by another for a specific and limited purpose.

Enclosed, locked facility means an enclosed, locked facility as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423.

Erected: Includes built, constructed, reconstructed, extension, enlargement, moved upon, or any physical operation on the premises intended or required for a building or structure. Excavation, fill, drainage, and general land improvements which are not required for a building or structure, shall not be considered to fall within this definition.

Escort: A person who, for consideration, agrees or offers to act as a companion, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency: A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Essential Services: The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal department or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Telecommunication towers or facilities, alternative tower structures, wireless communication antenna, and wind turbine generators are not included within this definition.

Excavating: Excavating shall be the earth moving, filling or removal of earth, sand, stone, gravel, or dirt, except for common household gardening or agriculture practices.

Family: An individual, a collective number of individuals related by blood, marriage, adoption, or legally established relationships such as guardianship or foster care, or a collective number

of unrelated individuals whose relationship is of a permanent and distinct domestic character who occupy a single dwelling and live as a single nonprofit housekeeping unit with single culinary facilities. A family, however, shall not include any society, club, fraternity, sorority, association, lodge, or group of individuals, whether related or not, whose association or living arrangement is temporary or resort-seasonal in character or nature.

Farm: All of the contiguous, neighboring, or associated land operated as a single unit, or which bonafide agriculture is carried on directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees for the purpose of agricultural use.

Farm, Hobby: The non-commercial planting, cultivating, harvesting and storage of grains, hay or plants, fruits, or vineyards, except common household gardening, and noncommercial raising and feeding of livestock and domesticated large animals (including but not limited to cows, horses, pigs, sheep, and goats) which is incidental and subordinate to a residential use of the property on which it is located.

Farm Use Building: For a building to be considered a "Farm Use Building" the property must be actively farmed and considered a farm by definition and over half the land of the contiguous parcel must be tillable and/or pasture.

Fence: Any permanent or temporary means, partition, structure or gate erected as a dividing structure, or barrier and not part of a structure requiring a building permit.

FF – Farm Forest District, a zoning district designated in the South Branch Township Zoning Ordinance.

Floor Area: The square footage of floor space measured from exterior to exterior wall for all floors, but not including enclosed and unenclosed porches, breezeways, garages, attic, basement and cellar area.

Floor Area, Usable: The measurement of usable floor area shall be that portion of floor area (measured from the interior face of the exterior walls) used for or intended to be used for services to the public as customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used principally for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story area, the usable floor area shall be considered to be only that portion having a clear height of more than ninety (90) inches of headroom.

Foster Care Home: A State licensed child or adult care facility, which is organized for the purpose of receiving children or adults for care, maintenance, and supervision in buildings supervised by the home for that purpose, and operated throughout the year. Foster care homes do not include hospitals; hospitals for the mentally ill or nursing and convalescent care centers.

Gasoline Service Station: Any land, building or structure used for sale or retail of motor vehicle fuels, oils, or accessories, or installing or repairing parts and accessories, but not including repairing or replacing of motors, doors, or fenders, or painting motor vehicles.

Grade, Finished: The elevation of the ground upon the completion of construction and improvements.

Grade, Natural: The elevation of the ground surface in its natural state, before construction and improvements.

Greenbelt: A strip of land parallel to the bank of a stream or lake maintained in trees and shrubs or in its natural state to serve as a waterfront buffer.

Hazardous Substances: A substance or material that by reason of its toxic, caustic, corrosive, abrasive, or other physical or chemical characteristics may pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed.

Home Occupation: A profession, occupation, activity or use conducted within a dwelling (not within an attached or detached garage or accessory building) which is clearly incidental and secondary to the use of the lot and dwelling for residential purposes, and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Hospital: An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

Hotel or Motel: A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms which may contain provisions for cooking.

I - Industrial District, a zoning district designated in the South Branch Township Zoning Ordinance.

Impervious Surface: Any surface or structure incapable or highly resistant to penetration by water including, but not limited to, roofs of any type, concrete, asphalt or bituminous paving, compacted gravel, flagstone or brick patios, and driveways.

Industry: A use engaged in manufacturing, fabricating, and/or assembly activities.

Industrial Park: A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with facilities and services as available in attractive surroundings among compatible neighbors.

Junkyard: An open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to scrap or other metals, paper, rags, rubber tires and bottles. A "Junkyard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Kennel: Any lot or premises on which five (5) or more dogs, cats or other household pets of the same genus four (4) months of age or older are kept temporarily or permanently. Kennel shall also include any lot or premise where household pets are bred or sold.

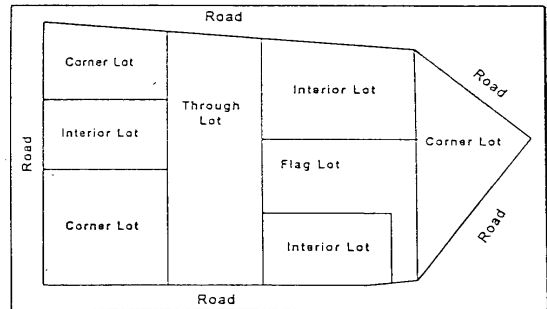
Landscaping: Any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, benches, walks, paths, steps, terraces and garden structures.

LDR – Low Density Residential District, a zoning district designated in the South Branch Township Zoning Ordinance.

Livestock: Any cattle, sheep, goat, swine, poultry, captive cervidae (wild animal like deer), ratites, or equine animals used for food, fiber, feed or other agricultural based consumer products, wild or domesticated game or other non-plant live including fish or bees.

Loading Space: An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as an off-street parking space in computation of required off-street parking.

Lot: The parcel of land or site condominium unit occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this Ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane.



Lot, Corner: A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less.

Lot Coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures and all impervious surfaces.

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

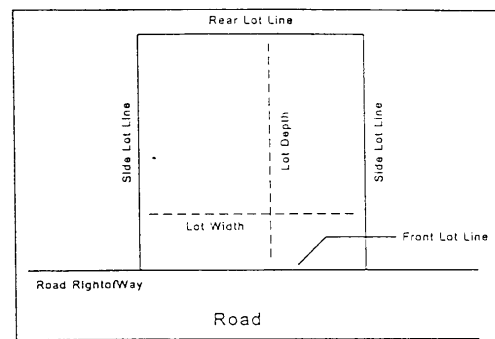
Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel roads. If there are existing structures in the same block fronting on one (1) or both of the roads, the required front yard setback shall be observed on those roads where such structures presently front.

Lot, Interior: A lot other than a corner lot with only one (1) lot line fronting on a street.

Lot Lines: The property lines bounding the lot.

Lot Line, Front: The lot line of the property that borders on a road or waterfront. Where a lot is a corner lot, or for a waterfront lot there shall be two front lot lines, and the setback from the front yard shall be maintained on each front yard.

Lot Line, Rear: The lot line being opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than twenty (20) feet long lying farthest from the front lot line and wholly within the lot.



Lot Line, Side: Any lot line not a front lot line or a 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 or lots is an interior side lot line.

Lot of Record: A parcel of land defined by a legal description and recorded in the office of the Crawford County Register of Deeds, or site condominium unit established and recorded by Master Deed in the Crawford County Register of Deeds on or before the effective date of this Ordinance.

Lot, Through: See Lot, Double Frontage

Lot, Waterfront: A lot having frontage directly upon a lake, river, or stream. The portion adjacent to the water is considered the water frontage. In this case, the waterfront lot line is considered the front lot line.

Lot Width: The horizontal distance between the side lot lines, measured at the two (2) points where the front setback line intersects the side lot line.

Manufactured Home: see Dwelling, Manufactured.

Master Plan: The statement of policy by the Township Planning Commission relative to the agreed-upon desirable physical pattern of future community development. It consists of a series of maps, charts, and written material representing in summary form the community's conception of how it should grow in order to bring about the very best community living conditions.

Medical marihuana or Medical use of marihuana: Marihuana as defined in Section 7106 Of Act No. 368 of the Public Acts of 1978, as amended (Michigan Public Health Code), being MCL 333.7106, that meets the definition of "medical use" in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423.

Mobile Home: see Dwelling, Mobile.

Mobile Home Park: A parcel of land which has been planned and improved for the placement of three (3) or more mobile homes for residential dwelling use.

Mobile Home Site: A plot of ground within a mobile home park designed for the accommodation of one mobile home.

Motel: See Hotel or Motel.

MR – Mixed Residential District, a zoning district designated in the South Branch Township Zoning Ordinance.

Municipal Civil Infraction Citation: A written complaint prepared by an authorized Township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

Nonconforming Lot of Record: A lot of record lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to the dimensional regulations of the Zoning District in which it is located.

Nonconforming Structure: A building, or structure, lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to regulations of the Zoning District in which such building or structure is located.

Nonconforming Use: A use of land lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to the use regulations of the Zoning District in which it is located.

Nude Model Studio: Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

Nudity or a State of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
2. Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
3. Sexually explicit visual material as defined in section 3 of Act No. 33 of Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

Nuisance Factor: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being of reasonable sensibility, or the generation of an excessive or concentrated movement of people or things, such as noise; dust; heat; electronic or atomic radiation; objectionable effluent; noise or congregation of people, particularly at night.

Nursery, Plant Materials: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery *does not include* space used for the sale of fruits or vegetables.

Off Street Parking Lot: A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted ingress and egress to at least two (2) vehicles.

Open Air Business: A use operated, or intended to be operated, for profit, substantially in the open air, including:

1. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair or rental services.
2. Outdoor display and sale of garages, motor homes, mobile home, snowmobiles, farm implements, swimming pools and similar activities.

3. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, top-soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
4. Miniature golf, golf driving ranges, amusement park or similar recreation uses.

Open Space: Land upon which no structures, parking, rights-of-way, or other improvements have or will be made and that will not be committed for future use other than outdoor recreational use. Land proposed for outdoor recreational usage that will result in the development of impervious surfaces shall not be included as open space.

Ordinary High Water Line: 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 soil and the vegetation. On an inland lake which has had a level established by law, it means the high established level.

Park: Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, which are open to the general public for recreational purposes.

Parking Space: An area of definite length and width exclusive of drives, aisles, or entrances, giving access thereto, and fully accessible for the storage or parking of permitted vehicles.

Person: The term "person" shall mean an individual, firm, corporation, association, partnership, limited liability company or other legal entity, or their agents.

Pick-up Camper: See Recreational Unit.

Place of Worship: A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.

Planning Commission: For the purpose of this Ordinance the term Planning Commission is deemed to mean the South Branch Township Planning Commission.

Planned Unit Development (PUD): A use which allows a development to be planned and built as a unit and which permits upon review and approval, variation in many of the traditional controls related to density, land use, open space and other design elements, and the timing and sequencing of the development.

Plot Plan: The drawings and documents depicting and explaining all salient features of a proposed development which requires a zoning permit but is not required to prepare a site plan, in order to evaluate compliance with ordinance standards and requirements.

Primary caregiver means a primary caregiver as defined by Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423 who has registered with the Michigan Department of Community Health under the Michigan Medical Marihuana Act.

Principal Structure: The main structure on the premises devoted to the principal use.

Principal Use: The main use to which the premises are devoted and the primary purpose for which the premises exists.

Professional Office: The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent, and the like.

Public Sewer Systems: A central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid waste of such a nature as to be capable of adversely affecting the public health operated and maintained by the general public.

Public Utility: Any person, firm, corporation, municipal department board, or commission fully authorized to furnish and furnishing, under federal, state or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water services, or sewage disposal.

Qualifying patient means a qualifying patient as defined by Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423, who has registered with the Michigan Department of Community Health under the Michigan Medical Marihuana Act.

RC – Resource Conservation District, a zoning district designated in the South Branch Township Zoning Ordinance.

Recreational Unit: A vehicular-type unit, primarily designed as temporary living quarters for recreational camping or travel use, which either is self-powered or is mounted on or drawn by another vehicle which is self-powered. Recreation unit shall include “Travel trailers”, “Camping trailer”, “Motor home”, “Truck camper”, “Slide-in-camper”, and “Chassis-mount camper” as defined in Act 171 of the Public Acts 1970, as amended. A recreational vehicle is not a mobile home or manufactured home as defined under this Ordinance or under Section 2 of the Mobile Home Commission Act.

Recreational Vehicle: See Recreational Unit.

Resort: A recreational lodge, camp or facility operated for gain, and which provides overnight lodging and one or more of the following: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming, hunting and fishing and related or similar uses normally associated with recreational resorts.

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

Riding Arena: An area enclosed within a building or fence which is intended to be used as a place to ride horses.

Road, Private: A road right-of-way which is not a public road, but which is intended for passage to and from five (5) or more lots or site condominium units.

Road, Public: A road right-of-way which has been dedicated to and accepted for maintenance by the County Road Commission, State of Michigan or federal government.

Road Right-of-Way: A street, alley, other thoroughfare or easement permanently established for passage of vehicles.

Roadside Stand: An accessory and temporary farm structure operated for the purpose of selling agricultural products grown or produced on premises or on other properties under same ownership or management.

SC – Stream Corridor Overlay District, an overlay zoning district designated in the South Branch Township Zoning Ordinance.

School: A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

Seasonal Use: Any use or activity that can not be conducted or should not be conducted each month of the year.

Setback: The minimum required horizontal distance from the applicable right-of-way line, easement, water feature or property line of a lot within which no buildings or structures may be placed, except as otherwise provided in this Ordinance.

Sexually Oriented Business: A business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; and (8) nude model studio.

Shopping Center: A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves.

Short Term Rental: A single family dwelling with no more than three (3) bedrooms offered as a residential rental facility for a period of less than 30 days.¹

Sign: An identification, description, illustration or device affixed to, or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, person, thought, activity, institution, or business. A sign so described may be either mobile or non-mobile.²

Sign, Abandoned: A sign, which is no longer maintained for its originally intended purpose.²

Sign, Animated: Any sign having a conspicuous and intermittent variation in the illumination of the physical position of any part of the sign.

Sign, Freestanding: A sign which is not attached to a building or any other structure but which has its own independent supports. Freestanding signs would include the following types of signs; ground signs, mounted signs and pole signs, but does NOT include overhanging signs, posted signs or rooftop signs.²

Sign, Ground: A permanent sign mounted on the ground to a foundation flush with the surface of the ground.²

¹ Amended on April 11, 2017; Effective on April 28, 2017

² Amended on Sept 20, 2018; Effective on Sept 27, 2018

Sign, Mounted: A temporary or permanent sign mounted on the ground by means of posts, wire, plastic, or other means pushed or stuck in the ground and which are not fastened to a foundation.²

Sign, Off Premise: A sign located on a parcel which is not owned by the owner of the sign or not associated with the land use on the same parcel as the sign.²

Sign, On Premise: A sign located on a parcel which is owned by the owner of the sign and which is associated with the land use on the same parcel as the sign.²

Sign, Outdoor: A freestanding, overhanging or wall mounted sign located outside a structure on the same property as the sign, or at a location different than the property on which the sign is located.²

Sign, Overhanging: A sign that extends beyond any structure wall and is affixed to the structure so that its sign surface is perpendicular to the structure wall.

Sign, Pole: A permanent sign mounted on one or two post(s) or pole(s) fixed to a foundation.²

Sign, Portable: A sign, or sign board displayed temporarily, either short-term or long-term, which is portable and not anchored or secured to a building, ground, or anything else, including signs designed to be physically carried by either a human or animal.²

Sign, Posted: Any sign tacked or otherwise fastened to a fence post, tree, or fence.²

Sign, Rooftop: A permanent sign mounted above or affixed to the roof of a building.²

Sign Surface: That portion of a sign excluding its base, foundation and erection supports on which a message is displayed.²

Sign, Temporary: Any sign that is designed to be displayed for a limited time period, typically made of materials that will deteriorate quickly over time, such as vinyl or fabric banners, corrugated plastic signs with metal H-frame posts, poster board, cardboard or plastic.²

Sign, Wall: A permanent sign mounted on or otherwise displayed on the surface of a wall of a building.²

Site Condominium Unit: That portion of a condominium subdivision designed or intended for occupancy or use by the unit owner consistent with the provisions of the Master Deed.

Site Plan: The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this Ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

Special Use Permit: A permit granted with approval by the Township Planning Commission for a use of land in a district that does not conflict with any other permitted land use in the district when such a special use is specified in this Ordinance for that district.

Stable, Private: A building or structure, and/or land use where horses are housed, bred, reared, and/or trained for the private use of the owner of the property on which located.

² Amended on Sept 20, 2018; Effective on Sept 27, 2018

Stable, Commercial: A building, structure and/or land use where horses are boarded, bred, reared, trained, and/or rented for the benefit of individuals other than the owner of the property on which located and either for remuneration or free of charge.

Story: That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A "mezzanine" floor shall be deemed a full story only when it covers more than fifty (50%) percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the next above it is twenty-four (24) feet or more.

Structural Change or Alteration: See Alterations.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground. The following are excluded from this definition: driveways, sidewalks, parking areas; and the following if less than six (6) feet in height: septic systems and tanks, air conditioners, well covers (of minimum size to protect well head), raised bed gardens, outdoor barbeques, ordinary lawn and garden accessories, dog or cat houses, and outdoor storage cabinets.

Telecommunication Towers and Facilities or Tower: All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, wireless communication facilities, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Temporary Building and Use: A structure or use permitted by this Zoning Ordinance to exist during periods of construction of the main building or for special events.

Township: For the purpose of this Ordinance the term Township is deemed to mean the South Branch Township.

Township Board of Trustees: For the purpose of this Ordinance the phrase 'Township Board of Trustees' is deemed to mean the South Branch Township Board of Trustees.

Trail Coach: See Recreational Unit.

Travel Trailer: See Recreational Unit.

Use: The lawful purpose of which land or premises, or a building thereon, is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased, according to this Ordinance.

Variance: A modification of literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provision would cause practical difficulty owing to circumstances unique to the individual property on which the variance is sought.

Wind Turbine Generator: A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:

1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

Wind Turbine Generator, Commercial: A wind turbine generator designed and used primarily to generate electricity by or for sale to utility companies.

Wind Turbine Generator, Noncommercial: A wind turbine generator designed and used primarily to generate electricity or produce mechanical energy for use on the property where located.

Wind Turbine Generator Tower Height: The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.

Wireless Communications Equipment: the set of equipment and network components used in the provision of wireless communications services, including but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

Wireless Communication Facilities: Transmitters, antenna structures, towers and other types of equipment necessary for providing wireless communication services and all commercial mobile services, including all those that are available to the public (for-profit or not-for-profit) which give subscribers the ability to access or retrieve call from the public switched telephone network.

Wireless Communications Support Structure: structure designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole or building.

Yard: A space open to the sky between a principal building and the lot line.

Yard, Front: A yard across the full width of the lot extending from the front line of the principal building to the front lot line, or road-right-of-way line as the case may be.

Yard, Rear: A yard extending across the full width of the lot from the rear line of the building to the rear property lot line.

Yard, Side: A yard between the side lot line and the nearest side of the principal building, extending between the front yard and rear yard.

Zoning Lot: Two (2) or more lots, parcels, combination of lots or parcels or portions of lots or parcels which are contiguous, of record and are under or come under the same ownership at or after the effective date of this Zoning Ordinance or amendment thereto, which, as individual lots, parcels or portions of lots or parcels are nonconforming as defined in this Zoning Ordinance shall be considered to be an undivided parcel for purposes of this Zoning Ordinance. If the lots when combined meet lot width and area requirements established by this Zoning Ordinance or any amendment thereto, then no portion of said lot or parcels shall be used or occupied which do not meet area or dimensional requirements established by this Zoning Ordinance.

Zoning Permit: Written authority issued by the Zoning Administrator on behalf of the Township permitting the use of land or the construction, moving, exterior alteration, or use of a building or structure in conformity with the provisions of this Ordinance.

Article 3: General Provisions

South Branch Township

Section 3.01 The Effect of Zoning

In order to carry out the intent of this Ordinance, no use or activity on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Ordinance, and a zoning permit has been obtained. Only lawful nonconforming uses, and those uses or structures expressly permitted without a zoning permit by this Ordinance are exempt from this provision.

In the event that any lawful use, activity, building or structure which exists or has begun substantial construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the Zoning District in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and be allowed to remain as such, including completion of construction.

Section 3.02 Nonconformities

Except as provided in Section 5.07.5 of this Ordinance, which applies to nonconforming structures within the Stream Corridor District, the following regulations shall apply to the nonconforming use of land and/or structures.¹

1. Nonconforming Lots of Record

In any district, principal structures and customary accessory buildings may be erected on any nonconforming lot of record, provided a permit for construction of a well and septic system is granted by the District Health Department and can meet district regulations, provided such facilities are ordinary or necessary for the intended use.

If two (2) or more contiguous lots, parcels, or portions of lots or parcels are under the same ownership and do not individually meet the lot width, depth, and/or area requirements of this Ordinance, then those contiguous lots, parcels, or portions of lots or parcels shall be considered an undivided lot or parcel for the purposes of this Ordinance, and no portion of such undivided lot or parcel shall be used or divided in a manner that diminishes compliance with the lot width, depth, and/or area requirements established by this Ordinance.

2. Nonconforming Use of Land and/or Structures

- A. The provisions of this Ordinance shall not impact the continued use of any dwelling, building or structure or use of any land or premises, which was lawful and existing on the adoption date of this Ordinance or any amendment thereto.
- B. Nonconforming use of land shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date, except as otherwise provided for in this section.
- C. Nonconforming use of land or building shall not be moved in whole or in part to any other portion of the lot or parcel occupied.

¹ Amended on Sept 20, 2018; Effective on Sept 27, 2018

- D. A nonconforming structure may be enlarged or altered, provided that such enlargement or alteration does not increase the degree of its nonconformity (i.e., encroaches farther into a required setback, exceeds a height limitation more, exceeds the applicable lot coverage limitation more, or exceeds the applicable sign size limitation more) and such enlargement complies with the requirements of Section 3.02.6.¹
- E. Should such structure be destroyed by any means to an extent of more than seventy-five (75%) percent of the total square footage of the principal structure or more than sixty percent (60%) of replacement cost, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- F. Any nonconforming use may be carried on throughout any parts of a building that were manifestly arranged or designed for such use, but no such use shall be extended to occupy any land outside such building.
- G. Any nonconforming use of a structure, land or structure and land, may be changed to another nonconforming use provided that the proposed use is equally or more appropriate to the district than the legally existing nonconforming use. The Zoning Board of Appeals (ZBA) shall have the power upon written request from the property owner or Zoning Administrator, to determine if a proposed use is equally or more appropriate than the legally existing non-conforming use for the given district. In making its determination, the ZBA shall consider characteristics and impacts of the proposed use in relation to the impacts of the existing nonconforming use, including impacts to public services, traffic, noise, smoke, fumes, odors, and the accumulation of scrap materials visible from roads and/or adjacent properties.
- H. Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed. Changes in tenancy and ownership of nonconforming premises is permissible.

3. Abandonment of Nonconforming Use or Structure

If a property owner has an intent to abandon a nonconforming use or structure and in fact abandons this nonconforming use or structure for a period of one (1) year, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owners to abandon a nonconforming use or structure, the Zoning Administrator shall consider the following factors:

- A. Whether utilities, such as water, gas, and electricity to the property have been disconnected.
- B. Whether the property, buildings, and grounds have fallen into disrepair.
- C. Whether signs or other indications of the existence of the nonconforming use have been removed.

¹ Amended on Sept 20, 2018; Effective on Sept 27, 2018

- D. Whether equipment or fixtures necessary for the operations of the nonconforming use have been removed.
- E. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

4. Creation of Nonconforming Lots or Parcels

No lot area and no yard, court, parking areas or other required space shall be divided, altered, reduced or diminished as to make such area or dimension less than the minimum required or more than the maximum allowed under this Ordinance, except where such reduction or expansion has been brought about by the expansion or acquisition of public rights-of-way for a street, road, or highway. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.

5. Repairs and Maintenance

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

6. Expansion or Enlargement

Although it is the intent of this Ordinance to restrict the expansion and perpetuation of nonconforming uses of land and/or buildings, expansion or enlargement may be allowed, provided that it is shown that such expansion or enlargement:

- A. Will not reduce the value or otherwise limit the lawful use of adjacent premises.
- B. Will essentially retain the character and environment of abutting premises.
- C. Will not cause, perpetuate or materially increase any nuisance aspects of the use upon adjacent uses (such as noise, glare, traffic congestion or land overcrowding).

Section 3.03 Accessory Buildings

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. Where an accessory building or structure is attached to a principal building by a shared wall or roof it shall be considered part of the principal building and shall comply with all setback requirements applicable to the principal building.
2. A detached accessory building shall meet all setback requirements as listed in Section 5.08 Schedule of Regulations; and shall be of a design and constructed of materials which are compatible with existing dwellings, so as not to be detrimental to property values in the area.
3. No detached accessory building shall be located closer than three (3) feet to any building.
4. Accessory buildings that do not meet the attachment requirements of Section 3.03.1

shall be permitted in the front yard in the RC, FF, and LDR Districts only, provided they are at least one hundred (100) feet from the road right-of-way.¹

5. When an accessory building is located on a corner lot, the Zoning Administrator may approve the street side yard to qualify for an accessory building that meets the size standards for a rear yard accessory building.
6. Truck bodies, semi trailers, school bus bodies, mobile homes, shipping containers or other items built and intended for other uses shall not be used as an accessory building.
7. No accessory building or structure shall be used for dwelling purposes.
8. All accessory buildings 200 square feet in size or greater must comply with **Section 3.26** of this Ordinance.
9. Each accessory structure shall comply with the setbacks and lot coverage regulations of the applicable zoning district, as specified in Section 5.08, schedule of regulations. The maximum height to the eave for any accessory structure shall be 16 feet regardless of the zoning district. Note: Agricultural buildings are exempt from the height limits of this section and are regulated by Section 5.08 and the associated footnotes.
 - A. In Low Density Residential (LDR) Mixed Residential (MR), and the Stream Corridor Overlay (SC) Zoning Districts a maximum ground floor square footage of 1,400 square feet per accessory structure shall be allowed, including accessory pole barns.
 - B. In Resource Conservation (RC) or Farm Forest (FF) Zoning Districts a maximum ground floor square footage of 2,400 square feet per accessory structure shall be allowed, including accessory pole barns.
10. In addition to any attached garage or attached accessory structure, detached residential accessory buildings shall be limited as follows:
 - A. For parcels less than two (2) acres in size, two (2) detached accessory buildings shall be permitted.
 - B. For parcels between two (2) and thirty five (35) acres in size, a third detached accessory building shall be permitted. Parcels greater than thirty five (35) acres in size shall be allowed a fourth such detached accessory building.
 - C. In addition to the standards listed in A and B above, two (2) detached accessory buildings of not more than two hundred (200) square feet, in ground floor area, shall be permitted for such use as a tool shed, wood storage, equipment housing, animal shelter, and the like.
 - D. In cases where a dwelling is located on one parcel and the property owner also owns another parcel which is separated by a road, the owner may construct an accessory structure(s) on the parcel without the dwelling, provided deed restrictions (or other legal instruments) acceptable to the Township Attorney are recorded with the County Register of Deeds requiring the parcels to be used and/or sold as one.

¹ Amended on Sept 20, 2018; Effective on Sept 27, 2018

11. Accessory building as a main use:

Customary accessory buildings shall only be allowed to be constructed as a main use if approved by the Planning Commission as per the procedure detailed in Article 7: Uses Subject to Special Use Permit and such accessory structures meet the following conditions:

- A. Accessory residential buildings as a main use
Customary accessory residential buildings may be constructed without a main use if the property is at least thirty (30) acres in land area with a minimum lot width of three hundred (300) feet and the building shall be setback at least one hundred (100) feet from all property lines, and at least one hundred fifty (150) feet from the front property line. The proposed building shall be screened from public view by natural features and topography to the greatest extent possible. The use shall be for personal use only and an affidavit stating such use shall be filed with the Register of Deeds.
- B. Other accessory buildings as a main use
Accessory buildings shall only be allowed to be constructed as a main use if approved by the Planning Commission as per the procedure detailed Article 7: Uses Subject to Special Use Permit, when the following conditions are met:
 - 1) The structure is sited in such a manner as to permit the construction of a legal main use at a future time. For these regulations, rear yard shall refer to a location one hundred fifty (150) feet or deeper from the front property line, which is also the road right-of-way line.
 - 2) The structure is constructed of materials and is of a design that is not at variance with existing dwellings in the immediate vicinity as to have a devaluing influence, in the opinion of the Planning Commission. The applicant shall provide elevation sketches and floor plans of the proposed structure in order to assist in the determination of architectural variance.
 - 3) The structure may be required to locate in such a manner as to attain natural screening by existing vegetation, or plantings may be required to at least partially screen the use from the view of adjoining properties and/or public roads.
 - 4) All uses of the property must be in keeping with the residential or recreational use character of other properties in the immediate vicinity.
 - 5) The applicant shall file an affidavit with the Register of Deeds stating the proposed use of the building.

12. Exemptions

The following uses of accessory buildings are exempt from size regulations under this Section.

- A. Accessory buildings when legally constructed in connection with an approved main use that is other than residential.
- B. Farm Use Buildings, as defined in Article 2: Definitions. In the case of farm use buildings, a plot plan submitted to the Zoning Administrator illustrating compliance with zoning setback requirements will suffice for the zoning permit.
- C. Accessory garages and carports in multiple family housing developments.

Section 3.04 Essential Services

The erection, construction, alteration, maintenance, and operation by public utilities or municipal departments or commissions, of overhead or underground gas, electrical, steam or water distribution, transmission systems, collection, supply systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substations, gas regulation stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and other Ordinances of the Township of South Branch in any use District, provided that the above meet the setback and dimensional requirements of the respective districts and the Zoning Administrator is notified at least sixty (60) days prior to any major construction, and provided a Zoning Permit is obtained. Electrical substations shall comply with the fencing provisions of **Section 3.11** of this Ordinance.

Telecommunication towers, alternative tower structures, antennas, wind turbine generators, and anemometer towers shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

Section 3.05 Mobile Homes on Individual Lots or Parcels

Prior to placing a mobile home on an individual lot, two Zoning Permits are required to ensure the standards are met for yard setbacks, and minimum floor area for the district in which it is located. The first zoning permit authorizes site preparation and allows the applicant to obtain the necessary building permit prior to the placement of the mobile home. The second zoning permit authorizes the placement of the actual mobile home after the site preparation is complete and the requirements of Section 3.05.6 have been met. The following additional standards shall apply:

1. Mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Mobile Home Commission requirements.
2. The wheels, axles and towing assembly shall be removed from a mobile home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.
3. Mobile homes shall be installed according to the construction code adopted by Crawford County and the construction of the unit shall comply with the National Mobile Home Construction and Safety Standards Act of 1974, as amended (HUD Code).
4. Mobile homes shall not be attached to another structure unless the mobile home and the other structure have been specifically designed and engineered by the manufacturer or licensed builder to be attached to each other.
5. No person shall occupy a mobile home as a dwelling within South Branch Township until a certificate of compliance has been issued by the Crawford County/South Branch Township Building Official, which shall indicate satisfactory compliance with all requirements of the HUD Code and the current Crawford County Construction Code.

6. No mobile home shall be located or placed in South Branch Township without prior completion of site preparation to include electric, water, sewage disposal and foundation to meet the current Crawford County Construction Code.
7. Mobile homes shall not be used as an accessory building.
8. No mobile home shall be stored on any lot or parcel in South Branch Township.

Section 3.06 Camping and Recreational Vehicles

1. In all districts, travel trailers and similar recreational vehicles may be stored on a lot or parcel of land containing a dwelling unit subject to the following conditions:
 - A. Travel trailer(s) or recreational vehicle(s) may be stored outside in a rear or side yard of a lot containing a permanent dwelling, in accordance with the following schedule, provided the yard setback requirements are met. All additional recreational vehicles must be stored within an enclosed structure.

Parcel Size	Number of RVs (allowed to be stored outside)
Two (2) acres or less	One (1)
Greater than two (2) acres and less than thirty five (35) acres	Two (2)
Thirty five (35) acres or greater	Three (3)

- B. *[Reserved for future use]*
 - C. The unit is not used for permanent/continuous dwelling purposes.
2. Overnight camping, with a single recreational vehicle, on private property without a dwelling unit shall be an allowable use in the LDR, MR, CB and I districts provided the recreational vehicle shall occupy such a parcel for not longer than fifteen (15) consecutive nights and not more than a total of ninety (90) nights in a calendar year, subject to the following conditions:¹
 - A. Yard setback requirements for the district where the unit is located shall be met.
 - B. A renewable temporary camping permit must be obtained from South Branch Township.
3. Overnight camping, with a single recreational vehicle, on private property without a dwelling unit shall be an allowable permitted use in the FF and RC districts and an allowable special use in the MR and LDR districts without a restriction on the number of nights in a calendar year, subject to all of the following conditions.¹
 - A. Parcel owner agrees to pay the South Branch Township refuse fee assessment in conjunction with an approved annual Long Term Camping Permit.
 - B. An annual Long Term Camping Permit must be obtained from the Township.

¹ Amended on Sept 20, 2018; Effective on Sept 27, 2018

- C. The recreational vehicle must meet all setback requirements.
 - D. Fresh water and waste disposal must meet District Health Department #10 requirements.
 - E. Minimum lot size is 1.0 acres.
 - F. The recreational vehicle must have a current license tag and be operable.
 - G. The recreational vehicle must not be used as a permanent dwelling unit.
 - H. Must comply with the South Branch Township Blight and Anti-Noise Ordinances.
 - I. Campfires must be contained in a metal ring.
 - J. Camping activities shall not be a nuisance to surrounding properties.
4. Temporary group camping for up to four (4) tent or recreational vehicles for up to four (4) consecutive nights shall be an allowed use in all districts provided the parcel is a minimum of one (1) acre in size, subject to the following conditions:
- A. Group camping shall be allowed twice a calendar year without a permit, provided all recreational vehicles are located to meet the yard setback requirements of the applicable zoning district.
 - B. For group camping in excess of twice in a calendar year on a parcel, a renewable temporary camping permit must be obtained from the Zoning Administrator, and displayed on a post with a reflective property address at the road at the property access drive.
5. Additional Camping Regulations for both overnight camping and temporary group camping:
- A. All camping activities shall be kept a minimum of seventy-five (75) feet from the ordinary high water mark of the main stream of the AuSable River and fifty (50) feet from all other designated tributaries.
 - B. Temporary camping permit(s) shall only be issued or renewed by the property owner.
 - C. No temporary camping permits shall be issued to individuals under eighteen (18) years of age.
 - D. Upon termination of camping all equipment and supplies shall be removed. Garbage and refuse shall be removed after each stay.¹
 - E. Camping activities shall not be a nuisance to surrounding properties.

Section 3.07 Second Dwelling on a Parcel

Accessory dwellings as defined in Article 2 shall comply with the following regulations:

Residence and Incidental Use

The accessory dwelling unit shall be clearly incidental to the principal residence on the site. Accordingly, the following conditions shall be met:

- A. Accessory dwellings shall be established on owner-occupied properties only.

¹ Amended on Sept 20, 2018; Effective on Sept 27, 2018

- B. The property shall maintain one mailing address, such that the accessory dwelling shall have the same address as the main dwelling.
- C. Only one (1) such accessory dwelling shall be permitted on each parcel.
- D. The total floor area of the accessory dwelling shall not exceed eight hundred (800) square feet.

Compatibility with Surrounding Land Use

The design of the accessory dwelling shall not detract from the single-family character and appearances of the principal residence or the surrounding neighborhood. When viewed from the outside, it shall appear that only one household occupies the site.

Parking and Access

In addition to required parking for the principal residence, one additional parking space shall be provided for the accessory dwelling.

Zoning Permits shall be issued by the Zoning Administrator for this purpose and thereafter reviewed annually for continued compliance.

Zoning Permits issued for such use shall terminate at such time that any one or combination of the above conditions cease(s) to be met. The Zoning Administrator will send notice for removal of the second dwelling (or conversion of space if part of the principle dwelling) when one or more of the above conditions cease(s) to exist and the structure shall be removed within sixty (60) days from the date the notice was sent.

Section 3.08 Temporary Dwelling Occupancy during Construction of a Dwelling

For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Township, and of reducing hazards to health, life and property, no basement-dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, mobile home not installed according the requirements of this Ordinance, or other temporary structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except under the following applicable conditions:

1. The location shall conform to the provisions governing setback requirements of standard dwellings in the district where located.
2. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in process of erection and completion, but not to exceed twelve (12) months. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator beginning with the date of issuance of the zoning permit. The temporary dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this Ordinance.
3. Installation of septic system and water well shall be constructed and maintained in accordance with the standards of materials and installation recommended by the District Health Department, and shall precede occupancy of the temporary dwelling.
4. Application for the erection and use of a temporary dwelling shall be made at the time of

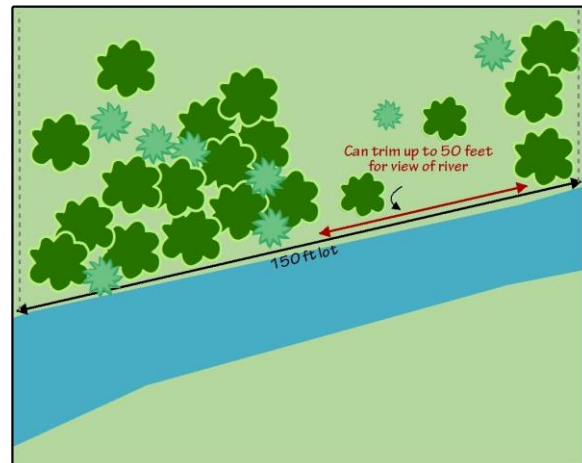
zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify in a space allotted for that purpose, and on the copy retained for filing by the Township, that he or she has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.

5. No annexes shall be added to temporary dwellings.

Section 3.09 Waterfront Greenbelt and Waterfront Setback

To preserve natural resources, water quality and community scenic and recreational values, a greenbelt no less than fifty (50) feet in width as measured from the ordinary high water mark of a lake or stream shall be established and maintained on all waterfront lots. Properties adjacent to the rivers and streams specified in the Natural Rivers Act shall comply with additional regulations found in **Section 5.07 Stream Corridor Overlay District**. Within the greenbelt area, the following development or use restrictions shall apply:

1. Trees and shrubs may be pruned not more than a 50 (fifty) foot width for a filtered view of the river. The remaining area shall be kept in natural vegetation; either trees, shrubs, herbaceous plants or un-mowed grass.¹



2. No structures will be permitted in the Greenbelt except those related to use of the water; such as boat launches, docks or stairways.
3. No burning of brush or leaves or stockpiling of grass, leaves or compost is allowed in the Greenbelt.
4. Setbacks for septic systems must meet minimum requirements set by the Health Department.
5. No dredging or filling can occur in the Greenbelt without a Soil Erosion and Sediment Control Permit, and applicable permits from the Michigan Department of Natural Resources and/or Michigan Department of Environmental Quality.
6. Greenbelt shall be shown on plot plan filed with the Zoning Administrator, or on site plan.
7. Ground decking and patios without railings and which are less than eighteen (18) inches above the natural grade at the deck building line shall not be located in the required greenbelt. Railed decks and enclosed patios over eighteen (18) inches high shall observe the setback requirements for main buildings, in the applicable Zoning District. Walkways and pathways, if not wider than six (6) feet, and if perpendicular to the shoreline, are not restricted by this section.
8. Except as otherwise provided above, all structures and impervious structures shall be set back a minimum of seventy-five (75) feet from the ordinary high water mark.

¹ Amended on April 11, 2017; Effective on April 28, 2017

9. A stairway constructed to allow river access shall conform to all of the following standards:¹
 - A. A stairway shall be low profile, shall not be more than four (4) feet wide and constructed without stairs being recessed into the ground surface except if site and soil conditions dictate that a recessed stairway is appropriate.
 - B. Not more than one (1) handrail shall be associated with the stairway.
 - C. A stairway shall be constructed of natural materials.
 - D. A stairway shall be located and maintained to blend with the natural surroundings and where removal of vegetation and the natural vegetation strip can be minimized.
10. A boardwalk associated with a footpath to the river's edge shall conform to all of the following:¹
 - A. A boardwalk shall be placed only in the area that is generally too wet to be traversed without significant disturbance to the soils.
 - B. A boardwalk and all supports shall be constructed of natural materials.
 - C. A boardwalk shall not be more than three (3) feet wide. The boardwalk can be expanded to meet ADA requirements.
 - D. A boardwalk shall not include a railing.
 - E. The top of the boardwalk shall not be more than 12 inches above grade.
11. Camping, except low-impact tent camping, is not permitted.¹

Section 3.10 Home Business

While South Branch Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus to maintain and preserve the residential character of the neighborhood.

Home Occupations

1. Home occupations are permitted in all Zoning Districts in which single family dwellings are permitted as a matter of right, without a zoning permit.
2. Home Occupations shall be operated in their entirety within the dwelling (not within an attached or detached garage or accessory building) and shall occupy no more than twenty-five (25%) percent of the dwelling's ground floor area. Attached and detached residential garages may be used for incidental storage.

¹ Amended on April 11, 2017; Effective on April 28, 2017

3. Home Occupations shall be conducted primarily by the person or persons occupying the premises as their principal residence. Not more than one (1) non-resident person shall be employed to assist with the business.
4. Additions to a dwelling for the purpose of conducting a Home Occupation shall be of an architectural style that is compatible with the architecture of the dwelling and shall be designed so that the addition can be used for dwelling purposes if the home occupation is discontinued.
5. Home Occupations shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or neighborhood.
6. Home Occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the dwelling for residential purposes.
7. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
8. The outdoor storage of goods and/or materials of any kind is prohibited. No goods or materials shall be sold that are not produced through the conduct of the Home Occupation, or are not incidental sales related to the Home Occupation.
9. No process, chemicals, or materials shall be used which are contrary to an applicable state or federal laws.

Cottage Industries

1. Cottage industries may be permitted as a special use in Resource Conservation, Farm Forest and all residential Zoning Districts, subject to review and approval by the Planning Commission. Cottage industries shall be allowed on the basis of individual merit, a periodic review of each cottage industry shall be performed to ensure the conditions of approval are adhered to. If a premise is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed for compliance with the original permit by the Zoning Administrator. If any changes are necessary, the request will be reheard by the Planning Commission.
2. Cottage industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood.
3. A cottage industry shall occupy not more than one building. The floor area of such building shall not exceed twenty four hundred (2400) square feet.
4. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and road rights-of-way. If required, the type of screening shall be determined at the discretion of the Planning Commission.

5. Cottage industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding Zoning Districts. Any machinery, mechanical devices or equipment employed in the conduct of a Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the premises for residential purposes.
6. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
7. Cottage industries shall be conducted only by the person or persons residing on the premises. The Planning Commission may allow up to two (2) additional non-resident employees or assistants.
8. To ensure that the cottage industry is compatible with surrounding residential use, the Planning Commission during the review and approval process, shall establish a “not-to-exceed” number of vehicles that may be parked at any given time during business operations, and hours of operation for the business.

Termination, Extensions, Revisions, and Inspections

1. Upon written application by the owner, the Planning Commission may, for just cause, grant time extension for compliance with the conditions of this Section.
2. Any home business (home occupation or cottage industry) shall be subject to periodic review by the Zoning Administrator.
3. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the home business. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a special use permit (see **Section 7.02.3**).
4. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on the findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this Ordinance. The Planning Commission shall have the authority to order a limit on the hours of operation, impose conditions of operation or, if deemed necessary, order the complete termination of the activity.
5. Proposed revisions or additions to a cottage industry shall constitute a change of use and shall be subject to special use review and approval by the Planning Commission.

Section 3.11 Fences and Walls

1. Unless specifically provided for by other provisions in this Ordinance, fences, walls, berms or hedges may be permitted on any property in any District, provided that no fence or wall exceed a height of four (4) feet if located in the front yard or eight (8) feet if

located in the side or rear yard, and further provided such fence, wall, berm or hedge shall not obstruct sight distances needed for safe vehicular traffic, nor create a hazard to traffic or pedestrians.

2. Fences may be located on the lot line in the side or rear yards, with a joint application signed by both property owners. If a joint application is not filed, the fence must be either set back at least two (2) feet from the property line, to provide adequate space for fence maintenance, or constructed of a maintenance-free material and set back at least six (6) inches from the property line. The finished side of the fence shall face the adjacent property.
3. Boundary fences in any platted subdivision or site condominium development shall not contain barbed wire or be electrified.
4. Where a lot borders a lake or stream, or has lake views, fencing shall not be constructed on the waterfront side within the applicable required waterfront setback. Fences shall not exceed four (4) feet in height.
5. [*Reserved for future use*]
6. No fence shall be approved which constitutes a fire hazard either itself or in connection with the existing structures in the vicinity, which will interfere with access by the Fire Department in case of fire to buildings in the vicinity or which will constitute a hazard to street traffic or to pedestrians.
7. Fences four (4) feet in height or less shall not require a zoning permit, but must comply with any applicable setback requirements.

Section 3.12 Landscaping and Buffering

It is the intent of this section to require landscape screening to minimize visual impacts of development along major highway corridors M-18, and to provide for landscaping within parking lots. In addition, the intent is to preserve and enhance the aesthetic qualities, character, privacy and land use values along major highway corridors M-18.

1. Application

These requirements shall apply to all uses, for which site plan review is required under Article 6 of the Zoning Ordinance. No site plan shall be approved unless the site plan shows landscaping, greenbelt buffers, and screening consistent with the requirements set forth in this Ordinance. Screening is the enclosure of an area by a visual barrier, which may include a landscape buffer, solid fencing or other materials.

2. Landscape Plan Required

- A. A separate detailed landscape plan shall be submitted as part of a site plan review. The landscape plan shall include, but not necessarily be limited to, the following items:

- 1) Location, spacing, size, and root type [bare root (BR) or balled and burlaped (BB)] and descriptions for each plant type proposed for use within the required landscape area.
- 2) Minimum scale: 1" = 100' (*same scale as required for site plan*).
- 3) Existing and proposed contours on-site and one hundred fifty (150) feet beyond the site at intervals not to exceed two (2) feet.
- 4) Typical straight cross-section including slope, height, and width of berms and type of ground cover, or height and type of construction of wall or fence, including footings.
- 5) Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
- 6) Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
- 7) Identification of existing trees and vegetative cover to be preserved.
- 8) Identification of grass and other ground cover and method of planting.
- 9) Identification of landscape maintenance program including statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this Ordinance.

3. Parking Lot Landscaping

- A. Separate landscaped areas shall be required either within or at the perimeter of parking lots. There shall be one (1) tree for every eight (8) parking spaces, with minimum landscaped space within a designated parking area of fifty (50) square feet. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of the pavement.
- B. Individual landscaped areas shall be a minimum of eighteen (18) feet wide and three hundred twenty-four (324) square feet in area.
- C. Parking lot landscaping shall be so designed to provide directional guidance to drives, including ingress, egress, and interior circulation.

4. Highway Landscape Buffers

- A. A strip of land with a minimum depth of thirty (30) feet within the front yard setback shall be located between the abutting right-of-way of a public street, freeway, or major thoroughfare, and shall be landscaped with a minimum of one (1) tree not less than twelve (12) feet in height or a minimum caliper of two and one-half (2 ½) inches (whichever is greater at the time of planting) for each thirty (30) lineal feet, or major portion thereof, of frontage abutting said right-of-way. The remainder of the buffer shall be landscaped in grass, ground cover, shrubs, and/or other natural, landscape material. The area along the roadway proposed to be grassed shall be minimized and directly related to the necessity, if any, for an ornamental landscape character.
- B. Access ways from public rights-of-way through required landscape strips shall be permitted, but such access ways shall not be subtracted from the lineal

dimension used to determine the minimum number of trees required unless the calculation would result in a violation of the spacing requirement set forth in this section.

5. Site Landscaping

- A. In addition to any landscape areas and/or parking lot landscaping required by this Ordinance, at least ten (10%) percent of the site area, including existing thoroughfare right-of-way, shall be landscaped.
- B. Areas used for storm drainage purposes, such as unfenced drainage courses or retention areas in front or side yards, may be excluded as a portion of the required landscaped area not to exceed five (5%) percent of the site area.

6. General Landscape Development Standards

A. Minimum Plant Material Standards:

- 1) All plant material shall be hardy to Crawford County, free of disease and insects and conform to the standards of the American Association of Nurserymen. A list of recommended plants is available from the Zoning Administrator.
- 2) All plant materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
- 3) All plant material shall be planted in a manner so as to not cause damage to utility lines (above and below ground) and public roadways.

Minimum plant sizes at time of installation:

Deciduous Canopy Trees	2½" caliper
Deciduous Ornamental Trees:	2" caliper
Evergreen Tree:	6' height
Deciduous Shrub:	2' height
Upright Evergreen Shrub:	2' height
Spreading Evergreen Shrub:	18" – 24" spread

- 4) Existing plant material, which complies with the standards and intent of the Ordinance, as determined by the Zoning Administrator, shall be credited toward meeting the landscape requirements.
- 5) The plant material shall achieve its horizontal and vertical screening effect within four (4) years of initial installation.
- 6) The overall landscape plan shall not contain more than thirty-three (33%) percent of any one plant species.
- 7) No plant material of the prohibited plant species shall be planted, including plants, seeds or a hybrid or genetically engineered variant, of the prohibited plant species identified in the Natural Resources and Environmental Protection Act (Act 451 of 1994, as amended), and no noxious weeds seeds (as identified in the Michigan Seed Law, Act 329 of 1965 and Regulations 715, Seed Law Implementation).

B. Minimum Standard for Berms:

- 1) Berms shall be constructed so as to maintain a side slope not to exceed a one foot (1') rise to a three feet (3') run ratio.
- 2) Berms not containing planting beds shall be covered with grass or groundcover maintained in a healthy growing condition.
- 3) Berms shall be constructed in a way that does not alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
- 4) If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.

7. Landscape Buffers

For nonresidential uses, except farms, which abut a permitted residential use, or which are adjacent to a Residential District boundary, there shall be provided and maintained greenbelts, fences or walls as required below. These requirements do not apply whenever the use, storage area, etc. is more than four hundred (400) feet from an adjacent Residential District boundary.

8. Installation and Maintenance

- A. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workman-like manner and according to accepted good planting and grading procedures.
- B. The owner of property required to be landscaped by this Ordinance shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.

Specific Non residential uses requiring fences	Greenbelt, Fence or Wall Height at Property line	Primary Function(s)	
		Protective	Screening or Obscuring
Drive-in restaurants, gasoline station & vehicle repair	4 to 6 feet	✓	✓
Institutional and school playground	4 to 6 feet	✓	
Parking lot accessory to nonresidential uses	4 to 6 feet		✓
Hospital and Funeral home service entrances	4 to 6 feet		✓
Utility buildings and substations	4 to 6 feet	✓	✓
Junk yards	8 feet	✓	✓
Open storage areas larger than 200 square feet	4 to 8 feet		✓

Section 3.13 Parking and Loading Space Requirements

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The

number of off-street parking spaces, in conjunction with all land or building uses, shall be provided, prior to the occupancy or use of the property.

1. Parking Requirements

- A. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown on all lots or parcels intended for use as parking by the applicant. If the required parking is provided on a separate lot, such parking arrangements shall bind future owners of parcel while the use continues or unless the required parking is provided elsewhere. Such provisions shall be recorded with the Register of Deeds office.
- B. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, carport, or combination thereof, and shall be located on the premises they are intended to serve. Structures are subject to the provisions of **Section 3.03 - Accessory Buildings**. Driveways to a residential structure in any district shall be subject to the side setback requirements of the district.
- C. Any area designated as required off-street parking shall never be changed to any other use unless and until equal facilities meeting the standards of this section are provided and approved elsewhere, or the parking requirements of the site are changed and such changes are approved pursuant to the provisions of this Ordinance.
- D. Off-street parking existing at the effective date of this Ordinance, 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.
- E. Two (2) or more buildings or uses may collectively provide the required off-street parking. In which case the required number of parking spaces for the individual uses may be reduced by up to twenty-five (25%) percent if a signed agreement is provided by the property owners. Such parking requirements shall bind future owners of parcels and shall be recorded with the Register of Deeds office.
- F. Parking Lot Deferment: Where the property owner can demonstrate that the required amount of parking is excessive, the Planning Commission may approve a smaller parking area. Area of sufficient size to meet the parking space requirements of this Article shall be retained as open space, and the owner shall agree to construct the additional parking at the direction of the Planning Commission based on observed usage within six (6) months of being informed of such request in writing by the Zoning Administrator. The site plan shall note the area where parking is being deferred, including dimensions and dotted parking lot layout. Any required landscaping placed in this area shall be relocated when the parking area is expanded.
- G. In order to minimize excessive areas of pavement, which are unsightly and contribute to high rates of stormwater runoff, exceeding the minimum parking space requirements by greater than ten (10%) percent shall not be allowed for commercial or industrial uses, except as approved by the Planning Commission.

In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.

H. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with the use which the Planning Commission considers to be similar in type.

I. **Vehicle Stacking Space:**
Stacking spaces required for vehicles waiting to access service windows, pumps, pedestals or other service facilities shall be dimensioned to be twenty (20) feet by ten (10) feet per space, but shall not include the space vehicles actually use at the time of service. A minimum of three (3) stacking spaces shall be provided on site per service window, pump, pedestal or service facility the business operates, the Planning Commission may modify a minimum number of stacking spaces based on documented usage from similar uses in communities with similar population and seasonal use characteristics.

2. **Vehicular Parking Space and Access**

A. For each dwelling, business, commercial, industrial, or similar building hereafter erected or altered, and located on a public highway in the Township, including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable off-street parking in accordance with the following schedule:

B. Residential Uses: Two (2) parking spaces per dwelling unit.

C. Commercial, Service and Office Uses: Two (2) customer parking spaces per 1,000 square foot of gross floor area. Maximum five (5) customer spaces per 1,000 feet of gross floor area.

D. Industrial Uses: one (1) parking space for every 1,000 square foot of gross floor area.

3. In case of a use not specifically mentioned, the requirements of off-street parking facilities shall be the same as for the most similar use listed.

4. Exits and entrances may be combined or provided separately. Approval of location of such exit and entrance shall be obtained in writing from the Crawford County Road Commission and/or Michigan Department of Transportation which approval shall include the design and construction thereof in the interest of safety, adequate drainage and other public requirements.

5. **Loading Space Requirements**

For every building, or addition to an existing building, which requires delivery or pick-up of materials or merchandise, there shall be provided and maintained on the same premises with such building or addition off street loading spaces, based on the building size, as follows:

- A. Up to twenty thousand (20,000) square feet — one (1) space.
 - B. Twenty thousand (20,000) to fifty thousand (50,000) square feet — two (2) spaces.
 - C. Fifty thousand (50,000) to one hundred thousand (100,000) square feet — three (3) spaces.
 - D. One (1) additional space for each additional one hundred thousand (100,000) square feet or fraction thereof.
6. Each loading space shall be a minimum of ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height. No loading space shall be located closer than fifty (50) feet to any lot in any residential district unless wholly within a completely enclosed building or enclosed on all sides by a wall.

Section 3.14 Water Supply and Sewage Disposal Facilities

- 1. All water supply and sanitary sewage disposal systems either public or private, for any building hereafter erected, altered or moved upon any premises shall be subject to compliance with the District Health Department sanitary code requirements. Plans must be submitted to and approved by the responsible agencies. The written approval of such facilities by the District Health Department shall be filed with application for a Zoning Permit.
- 2. Permitted industrial uses shall be served by a public sewer service or an approved sanitary treatment facility, approved by the District Health Department. All treatment facilities shall meet all other applicable federal, state, and local standards and regulations. The effluent from permitted industrial uses shall be disposed of in a manner and method, which conforms to or exceeds the minimum standards of the State of Michigan Water Resources Commission and the District Health Department. The collection system used in conjunction with a packaged treatment facility shall be located and designed to readily connect into a future public sewer service system without the need for reconstruction of any main or lateral sewer links.

Section 3.15 Stormwater Retention

The property owner of any property which is changed or developed in any manner, shall be required to manage the stormwater such that the post-development runoff does not increase the quantity, rate or velocity of stormwater leaving the property above the pre-development or natural conditions levels and shall not cause erosion.

The property owner or developer of property located in either the Commercial and Business District or the Industrial District is required to retain on site all stormwater drainage in excess of natural conditions. This provision may require stormwater retention ponds where appropriate. An exception can be made for water leaving the site via an existing stormwater pipe, or through other stormwater facilities which will be developed at the same time as the proposed new use. All stormwater facilities, including detention or retention ponds, shall be designed at minimum to handle a storm with the projected frequency of once every twenty-five (25) years (twenty-five (25) year design storm).

Section 3.16 Groundwater Protection

These provisions apply to persons, businesses or entities that use, generate or store hazardous substances in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month.

1. Sites at which hazardous substances and polluting material are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water and wetlands.
2. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
3. General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
4. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
5. The Planning Commission may require a performance bond or similar assurance for safeguards prior to approval. The Planning Commission may require site plan review at five (5) year intervals.

Section 3.17 Hazardous Substances

All hazardous substances shall be disposed of in accordance with all state or federal laws, rules and regulations governing the disposal of specific toxic substances.

Section 3.18 Junkyards, Salvage Yards, and Sanitary Landfills

Junk yards may be established and maintained in accordance with all applicable statutes of the State of Michigan, and are only permitted in the Industrial District, and shall be located only in sites which are completely screened from adjacent properties and public view in accordance with **Section 3.12**.

Sanitary landfills shall: (1) only be located in the Industrial District; (2) only if planned to be located in the Township in accordance with the County's Solid Waste Management Plan prepared in conformance with Part 115 of the Natural Resources and Environmental Protection Act or under the jurisdiction of the Michigan Department of Environmental Quality in conformance Part 111 of the Natural Resources and Environmental Protection Act; and (3) with direct access only permitted from an impervious hard surface paved all-weather year-round road as defined by the County Road Commission or State Department of Transportation.

Location of a junkyard, salvage yard or sanitary landfill shall be at least one hundred twenty-five (125) feet from any public road. All uses of such facilities shall be completely screened from sight by natural terrain, or by a neatly finished and maintained solid fencing, or by well maintained evergreens that are densely planted in a staggered row.

Glare from any process, such as arc welding, conducted at a junkyard, salvage yard or sanitary landfill, which emits harmful rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.

Section 3.19 Outdoor Lighting

All outdoor lighting, whether for illuminating sites, parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all adjacent districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush mounted (non-protruding) lens, directing light on-site only, and no more than twenty (20) feet in height.

The Planning Commission may permit taller or require shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the number or size of light fixtures; not adversely impact neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures. Site lighting shall not exceed twenty (20) foot candles as measured three (3) feet above the ground surface, directly under the fixture.

Section 3.20 Outdoor Advertising Signs¹

Purpose: The number and size of signs may be distracting to motorists and pedestrians, and can create a traffic hazard. The number and size of signs can also reduce the effectiveness of signs needed to direct the public and may mar the appearance of the landscape. The provisions of this section are intended to apply the minimum amount of content neutral regulation necessary to avoid these potential problems.¹

1. Signs Not Requiring a Sign Permit: The following signs may be placed in any Zoning District without a sign permit, provided such signs comply with any applicable federal or state law or regulation and are located so as not to cause a nuisance or safety hazard:
 - A. Any 911 address identifier signs as per emergency management requirements and Crawford County Ordinance No. 86-1 as amended July 21, 2010, not exceeding four (4) square feet of sign surface.¹
 - B. Any sign, not exceeding four (4) square feet of sign surface, located on individual lots or parcels, provided the sign is not a nuisance or safety hazard to the general public.
 - C. Street name signs, route markers, address signs and other traffic control signs erected or approved by state, county or township agencies when necessary to give proper directions or to otherwise safeguard the public.

¹ Amended on Sept 20, 2018; Effective on Sept 27, 2018

- D. Any sign posted on private parcels in accordance with state statutes which safeguard the property owner's legal rights, such as the Natural Resources and Environmental Protection Act 451 of 1994, Section 324.73102. Qualifying signs may not exceed a maximum sign surface area of two (2) square feet.
- E. Signs sanctioned by a national, state or local historic organization recognized by the planning commission, provided the sign surface does not exceed the maximum allowed size of sixteen (16) square feet or the max size allowed in the Zoning District whichever is less.
- F. Signs that have been approved in conjunction with a valid site plan or zoning permit for any principal or accessory use, and signs required by federal or state agencies in connection with federal or state grant programs.
- G. Temporary signs, not exceeding six (6) square feet, on individual lots displayed for not more than thirty(30) days at any one time.

2. Signs Requiring a Permit:

No sign, except 911 address identification and those specifically identified in **Section 3.20.1**, shall be erected or altered until authorization permit is issued by the Zoning Administrator, following site plan approval by the Planning Commission, when required. The use and erection of all outdoor signs shall be subject to the following provisions:

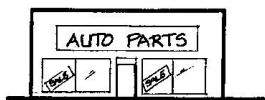
A. Size Limitations by District

The size of any publicly displayed sign, symbol or notice on a premise shall be regulated as follows:

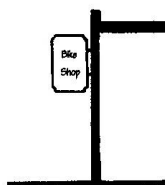
<u>Use District</u>	<u>Maximum Size of Sign per Side</u>
LDR, MR	Six (6) square feet
RC, FF	Eighteen (18) square feet
I, C-B	Fifty-six (56) square feet

*Residential subdivisions and developments shall be limited to one (1) sign per entrance of not more than twenty-four (24) square feet per sign.

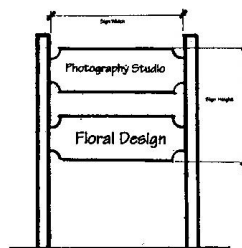
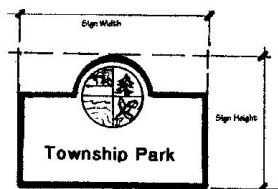
Wall Signs



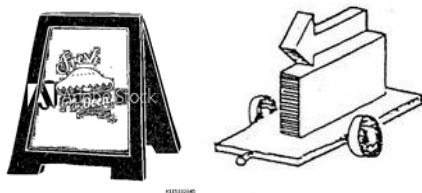
Projecting Sign



Ground Sign



Portable Signs



Mounted Signs



- B. In addition to the size limitations stated in **Section 3.20.2A** above, the following conditions shall apply to all signs, including off-premise signs, erected in any use district:
- 1) No signs shall be located on any street corner which would obscure the vision of drivers using said streets, or conflict with traffic control signals at the intersection of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress or egress to any premises.
 - 2) Signs containing flashing, intermittent or moving lights are prohibited, except for no more than two lines electronic message sign provided the message is static or streams (moves across the sign) at a rate no faster than two (2) seconds per message.
 - 3) Signs, which are abandoned, in need of repair, other than normal maintenance; not securely affixed to a substantial structure; obsolete; affixed to trees, rocks, or other natural features; resemble official traffic signs; or obstruct official signs, are prohibited.
 - 4) Off-premises signs shall be permitted subject to review and approval of location by the Zoning Administrator. Not more than one (1) freestanding sign per three hundred (300) feet of road frontage or per lot may be allowed, except if the signs are directional signs as provided by the Michigan Department of Transportation. No off-premises sign shall be permitted in LDR, MR or SC Zoning Districts.

- 5) Freestanding signs may be permitted in the front yard provided the sign is located at least ten (10) feet behind the front lot line. No freestanding sign shall exceed a maximum of ten (10) feet height, measured from the ground to the top of the sign, regardless of the Zoning District.
- 6) Both sides of any freestanding or overhanging sign may be used for display.
- 7) No sign shall project beyond or overhang the wall, roof or any architectural feature by more than five (5) feet and shall be no less than fourteen (14) feet above the road right-of-way. However, prior to the erection or overhanging of a sign in a public road right-of-way, the sponsor of such sign shall receive the approval of the proper governmental agency having jurisdiction over such road right-of-way.
- 8) Roof position signs are specifically prohibited, when projecting above the high point of the roof.
- 9) Multiple on premise signs are subject to approval by the Planning Commission and may require a site plan review. Factors considered will include building size, location and length of street frontage and lot size, and the cumulative total sign area for on-site signs shall not exceed that allowed in the district as per **Section 3.20.2**.
- 10) Signs such as banners, balloons, flags, pennants, pinwheels or other devices with similar characteristics are prohibited, except when used temporarily for a period not to exceed thirty (30) days to announce the opening of a new type of business or new owner.
- 11) The use of any lawful sign erected prior to this Ordinance and in use at the date this Ordinance is enacted, which does not meet these standards, may be continued. Such signs shall be designated as "Nonconforming signs. The maintenance, reconstruction, alteration, discontinuation and change in the nonconforming nature of a Nonconforming sign shall be governed by **Section 3.02** Nonconformities of this Ordinance.
- 12) Sign illumination shall not cause a reflection or glare on any portion of a public highway, in the path of oncoming vehicles, or on adjacent premises or residence(s).

Section 3.21 Billboards

The regulation of billboards is intended to enhance and protect community character and image by minimizing visual blight and pollution, and to minimize traffic safety hazards due to diversion of the driver's attention and blockage of sight distances. Billboard regulations address the location, size, height and related characteristics of such signs.

1. Intent

The sign standards contained in this Ordinance are declared necessary to protect the general health, peace, safety and welfare of the citizens of South Branch Township and are based on the following objectives:

- A. To avoid excessive property and use signing in order to give each use optimum visibility to passer-by traffic and if possible, to prevent one sign from blocking the view of another sign.

- B. To place signs in such a way that scenic views are respected and visual obstructions to the natural landscape are minimized.
- C. To protect the character of South Branch Township.

2. Billboard Regulations

Billboards may be established in the Commercial Business and Industrial Zoning District classification(s) provided that they meet the following conditions:

- A. Not more than three (3) billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of South Branch Township where the particular street or highway extends beyond such boundaries. Double faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection below.
- B. No billboard shall be located within one thousand (1,000) feet of another billboard abutting either side of the same street or highway.
- C. No billboard shall be located within two hundred (200) feet of a residential zone and/or existing residence. If the billboard is illuminated, this required distance shall instead be three hundred (300) feet.
- D. No billboard shall be located closer than fifty (50) feet from a property line or public right-of-way. No billboard shall be located within ten (10) feet from any interior boundary lines of the premises on which the billboard is located.
- E. The surface display area of any side of a billboard may not exceed seventy-two (72) square feet
- F. The height of a billboard shall not exceed thirty (30) feet above the elevation of the centerline of the abutting roadway.
- G. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
- H. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.

- I. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces, which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
- J. A billboard established within a business, commercial, or industrial area, as defined in the Highway Advertising Act of 1972 (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.
- K. No person, firm or corporation shall erect a billboard within South Branch Township without first obtaining a permit from the South Branch Township Zoning Administrator, which permit shall be granted upon a showing of compliance with the provisions of this Ordinance and payment of a fee. Permits shall be issued for a period of one year, but shall be renewable annually upon inspection of the billboard by the South Branch Township Zoning Administrator confirming continued compliance with this Ordinance and payment of the billboard permit fee. The amount of the billboard permit fee required hereunder shall be established by resolution of the South Branch Township Board and shall bear a reasonable relationship to the cost and expense of administering this permit requirement. The South Branch Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.

Section 3.22 Telecommunication Towers and Alternative Tower Structures

Antenna Co-location on an Existing Tower or Structure

1. Antenna Co-location on an Existing Tower or Structure

- A. An antenna or similar sending/receiving device may be attached to a telecommunication tower or alternative tower structure whose construction has been approved pursuant to the requirements of this Ordinance, provided that when attached the additional antenna or similar sending/receiving device does not exceed the engineered design capacity of the telecommunication tower or alternative tower structure thereby jeopardizing the tower's structural integrity.
- B. The installation and/or operation of the above mentioned, antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
- C. No antenna or similar sending and receiving devices appended to the tower or structure shall increase the overall height of the tower or structure by more than ten (10) feet.

2 Private or Individual Television/Radio/Internet Tower

- A. A private or individual television/radio/internet tower, for the sole purpose of providing service to the individual property, shall be permitted in any Zoning District, with Zoning Administrator approval subject to the following conditions:
 - 1) A Plot Plan (meeting the requirements of Section 6.02) shall be submitted to the Zoning Administrator.
 - 2) Tower height shall not exceed sixty (60) feet in height.
 - 3) The operation of any such facility shall not interfere with normal radio/television reception in the area.
 - 4) The tower shall be setback at least the height of the tower from the property line or any above ground electrical lines. Towers meet all relevant FAA and FCC requirements.

Section 3.23 Driveways and Private Roads

- 1. Driveways that provide access to not more than four (4) parcels shall be allowed with Zoning Administrator approval, provided the driveway meets the following standards: Access to the principle structure(s) shall require a driveway which has fifteen feet (15') horizontal and fourteen feet (14') vertical clearance of all obstacles and vegetation, except ground covers, cleared and continually maintained in a drivable condition for the purpose of access by emergency vehicles (This section does not cover or require snow removal). The driveway maximum grade shall not exceed eight percent (8%) within one hundred fifty (150) feet of a dwelling. A vehicle turn around area shall be provided within one hundred feet (100') of the principle structure(s) capable of handling forty (40') foot vehicles (Minimum T-type turn around 20' x 45') for police, fire, and ambulance, and be connected to a private or public road. County or Township cannot be held responsible for non-maintenance of access.
- 2. Non-conforming private roads: In the case of private roads built prior to this Ordinance, such roads may be used but the use may not be increased without coming into compliance. No zoning permit shall be issued for additional development utilizing a nonconforming private road until the existing private road is in compliance with the standards of this section. In cases where the non-conforming road can not comply with the standards of this Ordinance, the Planning Commission shall have the authority to waive particular standards of this section, where the following findings are documented along with the rationale for the decision:
 - A. No good public purpose will be achieved by requiring strict conformance with the particular standards sought to be waived by the applicant.
 - B. No nuisance will be created.
- 3. Private roads, providing access to five (5) or more parcels, are permitted with approval from the Planning Commission, provided they conform to the Private road requirements of this Ordinance. No nonconforming private road shall be constructed, extended, or relocated after the effective date of this Ordinance, except in compliance of this Ordinance.
 - A. Application, review and approval of a proposed private road shall follow the same procedures as uses subject to special use permit.

- B. The proposed private road shall meet the following standards:
- 1) All private roads shall have a minimum right-of-way easement of at least sixty-six (66) feet, or the current Crawford County Road Commission's designated right-of-way width for local residential roads, whichever is greater. While not required to be dedicated to the public, no structure or development activity shall be established within approved rights-of-way or easements. If a private road is proposed to become a public road in the future, the road must meet Crawford County Road Commission design standards and be constructed to those standards prior to acceptance by the Road Commission.
 - 2) The maximum grade for roadways shall be seven (7%) percent. The maximum grade within one hundred (100) feet of an intersection shall be five (5%) percent.
 - 3) No fence, wall, sign, landscape screen or any plantings shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility on a curve or within twenty (20) feet of the right-of-way of a street.
 - 4) No more than twenty (20) lots or parcels may gain access to a single private road if only one point of intersection is provided between the private road and a public road. No more than fifty (50) lots or parcels may gain access to a private road where two or more points of intersection are provided between the private road and public roads. Where more than fifty (50) lots or parcels are served, the road shall be a paved road built to County Road Commission standards.
 - 5) A cul-de-sac or other approved turn-around configuration shall be constructed whenever a private road terminates without intersection with another public street or private road.
 - 6) Not more than four (4) lots or parcels shall have frontage on a cul-de-sac.
 - 7) The minimum outside radius for cul-de-sacs roadway is eighty-five (85) feet.
 - 8) Any driveways off a private road shall be at least forty (40) feet from the intersection of a private or public road right-of-way.
 - 9) Construction authorization from the Crawford County Road Commission is required for connection to a road under the Commission's jurisdiction, and from the Michigan Department of Transportation if connected to a state trunk line. When applicable, a permit is also required from the County under Part 91 of the Natural Resources and Environmental Protection Act.
 - 10) Intersections of private roads with public roads shall be at an angle, as close to ninety (90°) degrees as possible, but in no case shall it be less than eighty (80°) degrees or more than one hundred (100°) degrees.
 - 11) Private roads shall have a compacted gravel or paved width of at least twenty-two (22) feet with shoulders of five (5) feet on each side, totaling thirty-two (32) feet.
 - 12) Stormwater runoff patterns for the private road shall be shown on the site plan. Any drainage originating outside the site, which has previously flowed onto or across the site, shall also be considered in the proposed stormwater runoff plan. Where stormwater runoff is proposed to run into an existing county or state road stormwater system, the stormwater plan for the private road shall be submitted to the Crawford County Drain Commissioner and the Crawford County Road Commission, Michigan

Department of Transportation, or other appropriate government permitting agencies for review and approval prior to Township Planning Commission approval.

- 13) All private roads shall have a minimum of fourteen (14) feet of vertical clearance of all obstacles and vegetation, except groundcovers, cleared and continually maintained in a drivable condition for the emergency vehicle access.

C. Road Construction Approval Procedures: No private road shall be constructed, extended, improved or relocated after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved.

- 1) Application for approval of a private road shall include ten (10) copies of a site plan sealed by a professional engineer showing:
 - a) Existing and proposed lot lines.
 - b) The location of existing and proposed structures.
 - c) The width and location of the private road easement.
 - d) A cross-section of the proposed road, showing the type of material the road base and surface will consist.
 - e) Utility plans including the location and size/capacity of stormwater drainage systems, sewer or septic system, water lines or private wells and private utilities such as telephone, electric and cable service.
 - f) Proposed locations of driveways off the private road.
 - g) Any existing or proposed structures, trees or other obstruction within the proposed right-of-way.
 - h) All divisions of land shall be in compliance with the South Branch Township Land Division Ordinance.
- 2) All plans as submitted for approval shall show the private road easement including a legal description, and must include the grade for these roads.
- 3) Road maintenance agreement or covenants running with the land signed by the proprietor(s) shall be recorded with the South Branch Township Clerk and the Crawford County Register of Deeds providing for:
 - a) A method of initiating and financing the private road in order to keep the road up to properly engineered specifications and free of snow and debris.
 - b) A workable method of apportioning the costs of maintenance and improvements to current and future users.
 - c) A notice that if repairs and maintenance are not made, the Township Board may bring the road up to established County Road Commission standards for public roads and assess owners of lots or parcels on the private road for the improvements, plus an administration fee in the amount of twenty-five (25%) percent of the total costs.
 - d) No public funds of South Branch Township will be used to build, repair or maintain the private road.
- 4) Road easement agreement signed by the proprietor(s) shall be recorded with the South Branch Township Clerk and the Crawford County Register of Deeds providing for:
 - a) Easements to the public for purposes of emergency and other public utility vehicles for whatever public services are necessary.

- b) A provision that the proprietor(s) using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesmen, delivery persons and other bound to or returning from any of the properties having a need to use the road.

- D. Application Review and Approval or Denial
 - 1) The Zoning Administrator shall send the private road plans to the Township Engineer, to the appropriate Emergency Services and Fire Protection agencies, to the County Drain Commissioner, to the County Road Commission if connected to a county public road and to MDOT if connected to a state trunk line for review and comment. The proposed road maintenance agreement and road easement agreement and covenants running with the land shall be sent to the Township Attorney for review and comment.
 - 2) County Road Commission, MDOT, County Drain Commissioner, Emergency Services and Fire Protection agencies, Township Engineer and Township Attorney comments shall be forwarded to the Planning Commission. After reviewing all materials and recommendations submitted, the Planning Commission shall approve, deny or approve with conditions the application for a private road.
 - 3) If the application is denied, the reasons for the denial and any requirements for approval shall be given in writing to the applicant.
 - 4) The Zoning Administrator shall arrange for inspections by the Township Engineer during construction or, and upon completion of the private road.

- E. Failure to Perform: Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required, subject to any changes made by the County Road Commission, MDOT or the Township in its standards and specifications for road construction and development.

- F. Issuance of Building Permits for Structures on Private Roads: No building permit shall be issued for a structure on any private road until such private road is given final approval by the Planning Commission.

- G. Posting of Private Roads: All private roads shall be designated as such and shall be posted with a clearly readable sign. The lettering shall be a minimum of four (4) inches in height on a green background with white reflective lettering, which can be easily seen in an emergency. The sign shall be paid for, posted, and maintained by the property owners' association or proprietor(s). The applicant shall check with 911 emergency services to avoid a duplication of names.

- H. Notice of Easements: All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following: This parcel of land has private road access across a permanent sixty-six (66) foot easement, which is a matter of record and a part of the deed.

- I. This notice is to make a purchaser aware that this parcel of land has ingress and egress over this easement only.
- J. Neither the County nor the Township has any responsibility for maintenance or upkeep of any improvements across this easement. This is the responsibility of the owners of record.
- K. The United States mail service and the local school district are not required to traverse this private road and may provide service only to the closest public access.
- L. Fees: Before final approval, an application fee established by the Township Board and the cost for the Township Engineer to review the plans and inspect the construction shall be paid by the proprietor(s).
- M. Final Approval: The Planning Commission shall grant final approval of a private road upon inspection and finding that the road is constructed according to the approved permit.

Section 3.24 Pets, Livestock and Hobby Farms

- 1. Domestic household pets, including dogs, cats, birds and fish, but not including poisonous or dangerous reptiles, wild or dangerous animals may be kept as an accessory residential use on any premises without a permit, except as situations meeting the definition of kennel, which are regulated under this Ordinance.
- 2. On parcels less than five (5) acres in size, up to six (6) female chickens shall be permitted.
- 3. Except for domestic household pets and up to six (6) female chickens permitted under subsection 2 above, no more than ten (10) livestock and/or domesticated large animals shall be permitted on a single hobby farm.
- 4. On parcels of five (5) acres or greater domestic fowl shall be permitted, provided the waste is managed in accordance with Generally Accepted Agricultural Management Practice Standards (GAAMPS), so as not to be a nuisance.
- 5. Such animals shall not be kept closer than seventy-five (75) feet from an existing neighboring residential structure and shall be properly fenced so as not to be a public nuisance. The animal waste shall be managed in accordance with Generally Accepted Agricultural Management Practice Standards (GAAMPS), so as not to be a nuisance.

Section 3.25 Non-commercial Wind Turbine Generators

- 1. Non-commercial wind turbine generators (WTG) and anemometer towers, (erected prior to a noncommercial wind turbine generator), may be located in any district, provided the WTG or anemometer tower is setback from the property line a distance at least equal to the total height of the WTG.

2. The minimum site area for a non-commercial wind turbine generator or anemometer tower shall be two (2) acres.
3. The wind turbine generator tower height for a noncommercial wind turbine generator mounted on a residential structure or on a nonresidential structure or on a nonagricultural accessory structure shall not exceed the maximum height for the applicable district.
4. The wind turbine generator tower height for a noncommercial wind turbine generator located on a freestanding tower or on an agricultural accessory structure shall not exceed seventy-five (75) feet.

Section 3.26 Zoning Permits in Relation to Building Permits

Prior to the issuance of any building permit in the County, it shall be necessary for any applicant to first apply for and obtain a zoning permit from the Zoning Administrator in accordance with the provisions of this Zoning Ordinance. All buildings, new, renovation for commercial, residential, agriculture, and accessory buildings must obtain a building permit prior to starting construction. All new buildings must comply with this Zoning Ordinance.

Section 3.27 Medical Marihuana

1. Intent and Purpose. The purpose of this section is to implement land use regulations to address medical marihuana in South Branch Township as authorized by the enactment of the Michigan Medical Marihuana Act (hereinafter referred to as the "MMMA", Initiated law 1 of 2008, MCL 333.26423, et seq, and its administrative rules, R333.101.et seq.
2. Regulations for a Qualifying Patient. A qualifying patient shall be permitted the medical use of marihuana within his or her dwelling, as an accessory use to the principal residential use of the dwelling, without a zoning permit, but shall be subject to the following regulations:
 - A. The qualifying patient must be issued and maintain a currently valid Michigan medical marihuana registry identification card, as issued by the Michigan Department of Community Health under the provisions of the MMMA, or must be issued and maintain a currently valid registry identification card, or its equivalent, that is issued under laws of another state, district, territory, commonwealth or insular possession of the United States that allows the medical use of marihuana for the qualifying patient to whom it is issued.
 - B. All medical marihuana plants and product shall be kept in an enclosed, locked facility within the dwelling that permits access only by the qualifying patient.
 - C. No marihuana plants shall be visible from outside of the dwelling, and any artificial lighting shall be shielded to prevent glare outside the dwelling.
 - D. The qualifying patient shall comply at all times with the MMMA and the General Rules of the Michigan Department of Community Health, as amended.
3. Regulations for Primary Caregivers. A primary caregiver shall be permitted the medical use of marihuana as a primary caregiver within his or her dwelling as a home occupation, provided all the following regulations are met:
 - A. The primary caregiver must be issued and maintain a currently valid Michigan medical marihuana registry identification card, as issued by the Michigan

Department of Community Health under the provisions of the MMMA, or must be issued and maintain a currently valid registry identification card, or its equivalent, that is issued under laws of another state, district, territory, commonwealth or insular possession of the United States that allows the individual to whom it is issued the authority to assist a qualifying patient in the medical use of marihuana.

- B. The principal use of the parcel shall be residential and shall be in actual use as such.
- C. No more than one (1) primary caregiver shall be permitted to function as a home occupation servicing qualifying patients within a dwelling.
- D. The medical use of marihuana shall comply at all times with the MMMA and General Rules of the Michigan Department of Community Health, as they may be amended from time to time
- E. All medical marihuana plants and product shall be kept in an enclosed, locked facility within the dwelling that permits access only by the primary caregiver.
- F. Consumption of marihuana shall not be allowed within a dwelling at which a primary caregiver of medical marihuana is functioning as a home occupation.
- G. No more than two (2) qualifying patients may be present at any one time within a dwelling at which a primary caregiver of medical marihuana is functioning as a home occupation.
- H. No qualifying patients under the age of 18 (eighteen) shall be permitted at any time within a dwelling at which a primary caregiver of medical marihuana functioning as a home occupation, except in the presence of his/her parent or guardian.
- I. A dwelling at which a primary caregiver of medical marihuana is functioning as a home occupation shall display indoors and in a manner legible and visible to his/her qualifying patients:
 - 1) A notice that qualifying patients under the age of eighteen (18) are not allowed in the dwelling at which a primary caregiver of medical marihuana is functioning as a home occupation, except in the presence of his/her parent or guardian, and
 - 2) A notice that no consumption of medical marihuana shall occur at a dwelling at which a primary caregiver of medical marihuana is functioning as a home occupation.
- J. A dwelling at which a primary caregiver of medical marihuana is functioning as a home occupation shall not be located within 1,000 feet of any other home occupation functioning as a primary caregiver of medical marihuana and shall not be located within 1,000 feet of any of the following uses:
 - 1) Any church or place of worship and its accessory structures
 - 2) Any public or private school, having a curriculum including kindergarten through grade twelve and its accessory structures.
 - 3) Any preschool, child care or day care facility and its accessory structures.
 - 4) Any public facility, such as libraries, museums, parks, playgrounds, public beaches, community centers, and other public places where children congregate.
- K. A dwelling at which a primary caregiver of medical marihuana is functioning as a home occupation shall have no sign related to the use as a primary caregiver visible from outside the dwelling.
- L. If the primary caregiver is not the owner of record of the dwelling at which a primary caregiver of medical marihuana is applying to function as a home occupation, written consent must be obtained from the property owner to ensure

his or her knowledge and consent. Such written consent must be submitted with the application for a zoning permit.

M. The primary caregiver must obtain a zoning permit under Section 10.02 of this ordinance prior to establishing a home occupation as a primary caregiver of medical marihuana to ensure compliance with the regulations of this section.

4. Relationship to Federal Law. Nothing within this section is intended to grant nor shall it be construed as granting immunity from federal law.

Section 3.28 Garage Sales

Garage sales, rummage sales, yard sales, estate sales, or other sales of personal property shall be considered a temporary accessory use and allowed within any residential zoning district subject to the following conditions:

1. A maximum number of 4 sales per calendar year is allowed
2. The maximum duration for any sale is seven (7) consecutive days
3. The minimum break between sales is seven (7) consecutive days

Section 3.29 Business Accessory Dwelling

Business Accessory Dwelling shall only be permitted supplemental to the legally operating business. In the event that the business permanently closes, the business accessory dwelling shall be vacated within 90 days of the business closure.

Section 3.30 Prohibited Plants, Noxious Weeds and/or Invasive Plant Species

The intentional planting of species identified as prohibited plant species or noxious weeds, (per the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended or the Michigan Seed Law, Act 329 of 1965), or problematic invasive species is prohibited. The removal of any such species located within the Township is strongly encouraged.

Article 4: Zoning Districts and Map

South Branch Township

Section 4.01 Classification of Zoning Districts

For the purpose of this Ordinance, the Township of South Branch is hereby divided into the following Zoning Districts:

RC	Resource Conservation District
FF	Farm Forest District
LDR	Low Density Residential District
MR	Mixed Residential District
CB	Commercial & Business District
I	Industrial District
SC	Stream Corridor Overlay District

Section 4.02 Zoning Map

The areas assigned to each Zoning District and the boundaries thereof shown on the map entitled "South Branch Township Zoning Map, Crawford County, Michigan" are hereby established, and said map and all proper notations and other information shown thereon are hereby made a part of this Zoning Ordinance.

Section 4.03 Boundaries of Districts

The boundaries of these districts are hereby established as shown on the "South Branch Township Zoning Map, Crawford County, Michigan", unless otherwise specified the boundary lines of the Zoning Districts shall be interpreted as follows:

1. Unless shown otherwise, the boundaries of the districts are lot lines, section lines, the centerlines of streets, alleys, roads, or such lines extended, and the unincorporated limits of the Township.
2. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
3. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
4. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries, shown thereon, interpretation concerning the exact

location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Board of Appeals.

Section 4.04 Zoning of Vacated Areas

Whenever any street, alley or other public way, within South Branch Township shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of the land formerly within such vacated street, alley or public way shall automatically, and without further governmental action, thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which same shall attach, and the same shall be used as is permitted under Ordinance for such adjoining lands.

Section 4.05 Zoning of Filled Areas

Whenever, after appropriate permits are obtained, any fill material is placed in any lake, stream, or wetland so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the Ordinance provisions on the property from which said property emanates. No fill material shall be placed in any lake or stream within the Township unless appropriate permits are obtained from the Michigan Department of Environmental Quality, if necessary.

Section 4.06 Zoning District Changes

When district boundaries or regulations change, any lawful nonconforming use or lawful nonconforming building or structure may continue subject to all other applicable provisions of this Ordinance.

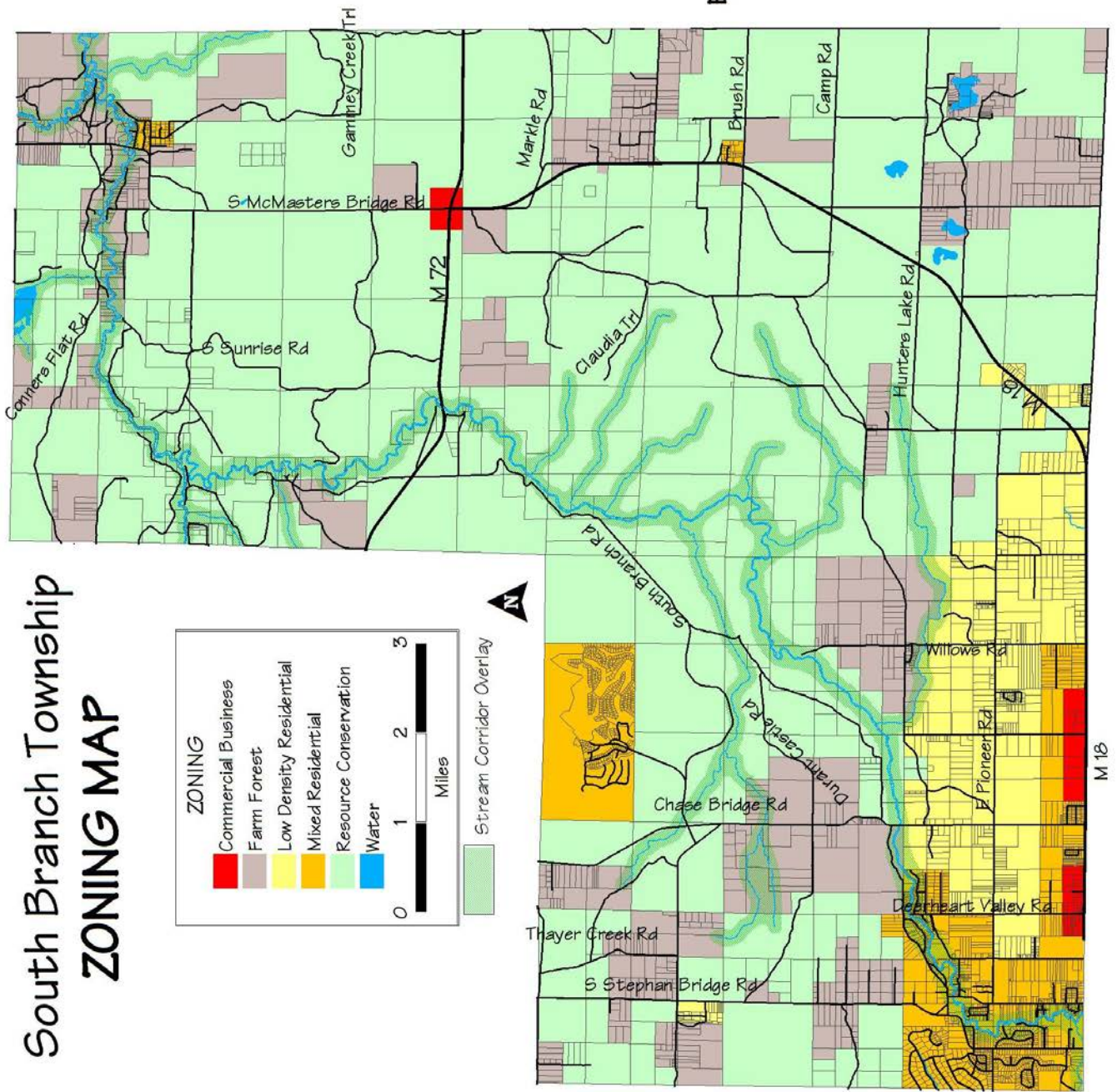
South Branch Township ZONING MAP

ZONING

- Commercial Business
- Farm Forest
- Low Density Residential
- Mixed Residential
- Resource Conservation
- Water

0 1 2 3
Miles

Stream Corridor Overlay



Adopted: March 11, 2008
EFFECTIVE: MARCH 28, 2008

Prepared by:
NEMCOG and
M. C. Planning & Design

Article 5: District Regulations

South Branch Township

Section 5.01 Resource Conservation (RC)

The following provisions shall apply to the Resource Conservation District (RC)

Section 5.01.1 Intent

The Resource Conservation District is designed to provide for the arrangement of land uses that are compatible with the conservation and preservation of large tracts of land presently having a most desirable natural environment that should not be disturbed, except minimally, by land uses which retain the natural character of the area. Single-family homes on large lots will be provided for if the spacing of such homes is great enough to adequately handle on-site septic tanks and wells. This area is not anticipated to be served by public water or sewer systems in the foreseeable future.

Section 5.01.2 Permitted Uses

Except as otherwise provided by this Ordinance, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses. A change in use may require site plan approval from the Planning Commission; see Section 6.03.1 for uses requiring site plan approval.

- A. Forestry and forest management, no zoning permit required.
- B. Farming and agricultural uses, no zoning permit required.
- C. One single family detached dwelling
- D. Public and private conservation areas
- E. State licensed foster care facilities housing six (6) or less persons
- F. Home Occupations, no zoning permit required.
- G. Hobby farm, no zoning permit required.
- H. Wireless Communication Facilities
- I. Private or Individual Television/Radio/Internet Tower

Section 5.01.3 Uses Subject to Special Use Permit

Special use permit use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Section 7.02 Uses Subject to Special Use Permit** and the applicable portions of **Article 8: Supplemental Site Development Standards**.

- A. Public and private recreation areas and facilities
- B. Campgrounds
- C. Public and private open space
- D. Cemeteries
- E. Sand and gravel extraction
- F. Kennels
- G. Riding stables
- H. Cottage Industry

- I. Landing strip
- J. Golf course
- K. Telecommunications antenna and facilities
- L. Radio and television towers

Section 5.01.4 Dimensional Regulations

Structures and Uses in the Resource Conservation District are subject to the area, height, bulk, and placement requirements in **Section 5.08** *Schedule of Regulations*

Section 5.02 Farm Forest (FF)

The following provisions shall apply to the Farm Forest District (FF)

Section 5.02.1 Intent

The Farm Forest District is designed to promote the use of wooded and rural areas of the Township in a manner that will retain the basic attractiveness of the natural resources and provide enjoyment for both visitors and the community at large. These areas will not be served by public water distribution and wastewater disposal systems in the foreseeable future. The district will accommodate large lot residential development purposes, which can support on-site water supply and wastewater disposal. The intent of the District is to retain the rural Township areas for agriculture and forestry purposes and to allow some multiple uses of marginal farm-forest lands.

Section 5.02.2 Permitted Uses

Except as otherwise provided by this Ordinance, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses. A change in use may require site plan approval from the Planning Commission; see Section 6.03.1 for uses requiring site plan approval.

- A. One single family detached dwelling
- B. State licensed residential foster care facilities housing six (6) or less persons
- C. Public and semi-public buildings for the housing of public facilities, utilities and services
- D. Place of Worship
- E. Public and private recreation areas
- F. Public areas for forest preserves, game refuges and similar uses
- G. Cemeteries
- H. Additional farm employee dwelling, provided the property is at least 10 acres in size. The additional dwelling must be sited such that the property could be split in the future with all the setbacks met for all resulting parcels.
- I. Hobby farm, no zoning permit required.
- J. Commercial farms and other agricultural activities related to farming, no zoning permit required.
- K. "U-pick" agricultural operations
- L. Roadside stand
- M. Raising and growing plants, trees, shrubs, and nursery stock
- N. Forestry and forest management, no zoning permit required.
- O. Riding arenas
- P. Commercial stables
- Q. Home occupations, no zoning permit required.
- R. Wireless Communication Facilities
- S. Private or Individual Television/Radio/Internet Tower

Section 5.02.3 Uses Subject to Special Use Permit

Special use permit use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and

shall be subject to the provisions of **Section 7.02 Uses Subject to Special Use Permit** and the applicable portions of **Article 8: Supplemental Site Development Standards**.

- A. Municipal buildings and uses
- B. Campgrounds
- C. Clubs
- D. Public or private golf courses
- E. Game preserves where hunting is permitted (e.g. a hunt club)
- F. Outdoor amusement facilities (e.g. miniature golf)
- G. Kennels
- H. Agricultural products and processing operations
- I. Agricultural products storage facilities
- J. Retail sales of trees, shrubs, and nursery stock
- K. Bulk seed, feed, fertilizer and nursery stock outlets and distribution centers
- L. Forest products processing
- M. Open Space Residential Developments
- N. Bed & breakfast establishments
- O. Planned Unit Development (PUD)
- P. Cottage Industry
- Q. Manufactured Housing Developments
- R. Telecommunication antenna and facilities
- S. Radio and television towers

Section 5.02.4 Dimensional Regulations

Structures and Uses in the Farm Forest District are subject to the area, height, bulk, and placement requirements in **Section 5.08 Schedule of Regulations**

Section 5.03 Low Density Residential District (LDR)

The following provisions shall apply to the Low Density Residential District (LDR)

Section 5.03.1 Intent

The Low Density Residential District is designed to accommodate and encourage single family residential development and associated uses, in keeping with the residential goals and objectives specified in the South Branch Township Master Plan. The permitted uses are intended to provide for residential and related uses and those compatible with such, with the intent to keep residential areas relatively quiet and free from detrimental influences.

The provisions of this section also recognize with the gradual extension of other property uses into the district, such as those provided for under the "Uses Subject to Special Use Permit"; there is a need for careful consideration based on sound standards as provided for through the Special Use Permit process.

Section 5.03.2 Permitted Uses

Except as otherwise provided by this Ordinance, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses. A change in use may require site plan approval from the Planning Commission; see Section 6.03.1 for uses requiring site plan approval.

- A. One single family detached dwelling
- B. Hobby farm, no zoning permit required.
- C. Home occupations, no zoning permit required.
- D. State licensed residential foster care facilities housing six (6) or less persons
- E. Place of Worship
- F. Private or Individual Television/Radio/Internet Tower

Section 5.03.3 Uses Subject to Special Use Permit

Special use permit use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Section 7.02 Uses Subject to Special Use Permit** and the applicable portions of **Article 8: Supplemental Site Development Standards**.

- A. Municipal buildings and uses
- B. Public and private recreational facilities
- C. School licensed or chartered by the State of Michigan
- D. Educational and social institutions, including but not limited to civic and/or non-profit organizations such as the VFW, Eagles and Gahagan Nature Center.
- E. Public and private golf courses
- F. Clubs
- G. Child daycare facilities
- H. Bed & breakfast establishments
- I. Open Space Residential Developments
- J. Public utility facilities without storage yards
- K. Planned Unit Development (PUD)
- L. Cottage Industries

- M. Hobby Farm (10 acres or more)
- N. Wireless Communication Facilities, not to exceed 115' height

Section 5.03.4 Dimensional Regulations

Structures and Uses in the Low Density Residential District are subject to the area, height, bulk, and placement requirements in **Section 5.08** *Schedule of Regulations*

Section 5.04 Mixed Residential District (MR)

The following provisions shall apply to the Mixed Residential District (MR)

Section 5.04.1 Intent

The Mixed Residential District is designed to accommodate and encourage higher density residential development through a mix of residential structures and associated uses, including both one-family and multiple family dwelling structures, in keeping with the residential goals and objectives specified in the South Branch Township Master Plan. The uses permitted are intended to promote land uses for residential and related uses and those compatible with such, with the intent to keep residential areas relatively quiet and free from detrimental influences.

Section 5.04.2 Permitted Uses

Except as otherwise provided by this Ordinance, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses. A change in use may require site plan approval from the Planning Commission; see Section 6.03.1 for uses requiring site plan approval.

- A. One single family detached dwelling
- B. Two family dwellings
- C. State licensed residential foster care facilities housing six (6) or less
- D. Place of Worship
- E. Home occupations, no zoning permit required.
- F. Private or Individual Television/Radio/Internet Tower

Section 5.04.3 Uses Subject to Special Use Permit

Special use permit use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Section 7.02 Uses Subject to Special Use Permit** and the applicable portions of **Article 8: Supplemental Site Development Standards**.

- A. Municipal buildings and uses
- B. Public and private recreational facilities
- C. Educational and social institutions, including but not limited to civic and/or non-profit organizations such as the VFW, Eagles and Gahagan Nature Center.
- D. Public and private golf courses
- E. Private clubs
- F. Child daycare facilities
- G. Bed & breakfast establishments
- H. Open Space Residential Developments
- I. Public utility facilities without storage yards
- J. Multi Family Residential
- K. Planned Unit Development (PUD)
- L. Cottage Industries
- M. Wireless Communication Facilities, not to exceed 115' height

Section 5.04.4 Dimensional Regulations

Structures and Uses in the Mixed Residential District are subject to the area, height, bulk, and placement requirements in **Section 5.08** *Schedule of Regulations*

Section 5.05 Commercial & Business District (CB)

The following provisions shall apply to the Commercial & Business District (CB)

Section 5.05.1 Intent

The Commercial & Business District is designed to provide for a general commercial district containing uses which include services and retail sale or combination retail/wholesale of commodities catering to the entire community and the needs of highway and tourist traffic. The avoidance of undue congestion on public roads, the promotion of smooth traffic flow at major interchange and intersection areas and on the highways, and the protection of adjacent properties in other districts from the adverse influences of traffic are prime considerations in the location of the district.

Section 5.05.2 Permitted Uses

Except as otherwise provided by this Ordinance, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses. A change in use may require site plan approval from the Planning Commission; see Section 6.03.1 for uses requiring site plan approval.

- A. Retail business and combination retail/wholesale business without outside sales or storage
- B. Professional services
- C. Banks and Financial Institutions
- D. Personal services
- E. Hotel and motel
- F. Restaurant
- G. Office buildings and uses
- H. Business and personal service facilities
- I. Municipal buildings and uses
- J. Public utility facilities without storage yards
- K. Place of Worship
- L. Civic, social, and fraternal organization facilities
- M. Wireless Communication Facilities
- N. Private or Individual Television/Radio/Internet Tower

Section 5.05.3 Uses Subject to Special Use Permit

Special use permit use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Section 7.02 Uses Subject to Special Use Permit** and the applicable portions of **Article 8: Supplemental Site Development Standards**.

- A. Recreation and sports buildings
- B. Recreation and sports areas, if areas are completely enclosed with fences, walls or berms with controlled entrances and exits.
- C. Trucking transfer station
- D. Gasoline service station
- E. Automobile repair garage
- F. Outdoor sales facility

- G. Storage uses
- H. Telecommunications antenna and facilities
- I. Radio and television towers
- J. Sexually oriented businesses
- K. Schools licensed or chartered by the State of Michigan
- L. A single attached or detached business accessory dwelling, to provide on-site housing for the business owner or manager and immediate family.

Section 5.05.4 Dimensional Regulations

Structures and Uses in the Commercial & Business District are subject to the area, height, bulk, and placement requirements in **Section 5.08 Schedule of Regulations**

Section 5.06 Industrial (I)

The following provisions shall apply to the Industrial District (I)

Section 5.06.1 Intent

The Industrial District is designed to primarily accommodate heavy commercial and light industry, wholesale activities, warehouses and other industrial operations whose external physical effects are restricted to the area of the district and do not affect in a detrimental way any of the surrounding districts. The Industrial District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material. It is the further intent of this District to permit only those industrial manufacturing uses having use, performance or activity characteristics which emit a minimum amount of discernible noise, vibration, smoke, dust, dirt, glare, toxic materials, offensive odors, gases, electromagnetic radiation or any other physically adverse effect to the extent that they are abnormally discernible beyond the lot lines of the parcel or site upon which the industrial manufacturing activity is located. Since this area is not anticipated to be served by public water or sewer systems in the foreseeable future, development standards will consider groundwater protection.

Section 5.06.2 Permitted Uses

Except as otherwise provided by this Ordinance, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses. A change in use may require site plan approval from the Planning Commission; see Section 6.03.1 for uses requiring site plan approval.

- A. Contractor facilities
- B. Food processing and packaging
- C. Manufacturing facilities
- D. Trucking facilities and terminals
- E. Warehouse, warehouse sales and distribution, mini-warehousing
- F. Building material and supply establishments
- G. Truck and heavy equipment sales and service establishments
- H. Telecommunications antenna and facilities
- I. Radio and television towers
- J. Public service and utility facilities
- K. Storage or transfer warehouses
- L. Wholesale trade stores
- M. Wireless Communication Facilities
- N. Private or Individual Television/Radio/Internet Tower

Section 5.06.3 Uses Subject to Special Use Permit

Special use permit use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Section 7.02 Uses Subject to Special Use Permit** and the applicable portions of **Article 8: Supplemental Site Development Standards**.

- A. Planned Industrial Parks

- B. Dry bulk blending plants
- C. Bulk storage and distribution facilities for petroleum and gas products, paints and chemicals
- D. Oil and gas processing facilities
- E. Wholesale/retail uses
- F. Home improvement centers
- G. Automobile repair garage
- H. Storage uses
- I. Vehicle boat or recreational vehicle sales facility
- J. Commercial Wind Turbine Generators
- K. Storage facilities for building materials - indoor and outdoor

Section 5.06.4 Dimensional Regulations

Structures and uses in the Industrial District are subject to the area, height, bulk and placement requirements in **Section 5.08** *Schedule of Regulations*.

Section 5.07 Stream Corridor Overlay District (SC)

The following provisions shall apply to the Stream Corridor Overlay District (SC).

Section 5.07.1 Intent

The purpose of this district is to provide for the preservation and enhancement of waterways, through regulation of uses and activities of land within four hundred (400) feet of rivers and streams designated as “Natural Rivers”. In 1987, the Michigan Department of Natural Resources (DNR) designated the Au Sable River and specific tributaries as “a natural river” under the authority of the Natural River Act (P.A. 231 of 1970), now Part 305 of the Natural Resources and Environmental Protection Act (P.A. 451 of 1994). The Natural River Act is administered by the DNR. The Act allows for local governments to adopt waterfront protection measures, which are compatible with the DNR requirements. In situations where there is no local zoning or the zoning authority does not provide waterfront protection regulations in the Zoning Ordinance, the DNR will administer the rules of the Act.

Section 5.07.2 Delineation of Stream Corridor Overlay District (SC)

The Stream Corridor Overlay District includes the stream channel and four hundred (400) feet on both sides of the Main Branch, North Branch and South Branch of the Au Sable River; and Beaver Creek, Douglas Creek and Thayer Creek. It is the intention of the Township to support and administer the Natural Rivers Act zoning for designated waterways in South Branch Township.

Section 5.07.3 Permitted Uses

Uses of riparian land are critical determinants in efforts to protect the natural values of a river system. Those that result in high human and vehicular traffic, dense development, large non-residential structures with extensive and impermeable parking areas, application and/or storage of chemicals and other activities incompatible with the system corridor’s environment will not be permitted in the SC. The three (3) types of permitted use – exempt, principal and special – are described as follows:

- A. Exempt uses are those allowed by right and DO NOT require an zoning permit. They include the following:
 - 1. Private, non-commercial recreation which does not involve permanent structures, equipment, or other devices, but which includes camping, boating, fishing, hunting, and other similar activities
 - 2. Reforestation and other accepted forest management practices
 - 3. Agricultural, including general and specialized farming, unless the bureau of environmental protection of the Michigan department of natural resources determines that such use will significantly contribute to stream degradation
 - 4. Operation of licensed motor vehicles on dedicated public or private roads designed to provide access to a permitted use
 - 5. Off-road operation of emergency and public utility maintenance vehicles
 - 6. Private footpaths
 - 7. Signs (per **Section 5.07.4.E**)
 - 8. Wireless Communication Facilities

- B. Principal uses in the SC are those allowed by right but DO require a zoning permit. They include the following, subject to all permit requirements and development standards outlined in this Ordinance:
1. Single family dwellings
 2. One private boat dock per parcel
 3. Utility lines to service private, single-family dwellings Disposal fields.
 4. Land alterations
 5. Home occupations
 6. Accessory buildings and uses customarily incidental to the above permitted uses
 7. Short term rentals¹
- C. Prohibited new uses within the SC district:¹
1. New commercial uses and buildings, such as gas stations, motels, bed and breakfast establishments, restaurants, retail stores and similar commercial uses
 2. New canoe liveries, expansion of existing liveries or expansion of commercial launching or retrieval of watercraft
 3. Detached rental cabins
Campgrounds
 4. Industrial uses
 5. Mining and extracting industries

Section 5.07.4 Additional Development Standards

The following standards apply to all privately owned parcels (or any parts thereof) that lie within the Stream Corridor Overlay District (SC):

- A. Native Vegetation Buffer
- A Native vegetation buffer that includes the AuSable River's mainstream and tributaries as well as all corridor land within seventy-five (75) feet of the ordinary high water mark for the Mainstream, North Branch and South Branch of the Au Sable River and fifty (50) feet for all other designated tributaries shall be maintained, subject to the following conditions:
1. Trees and shrubs may be pruned for a filtered view of the river or tributary, but clear-cutting of this native vegetation buffer is prohibited.
 2. Dead, diseased, unsafe and fallen trees and noxious plants and shrubs including poison ivy and poison sumac may be removed.
 3. The selected removal of trimming or trees for forest management practices or disease and insect control, and clearing of vegetation to the minimum width necessary to accommodate (primary) utility distribution and service lines for permitted uses, is permitted upon approval of the Zoning Administrator in consultation with the local county conservation district forester, provided the activity is in keeping with the AuSable River natural river plan.
 4. Camping is not permitted in the native vegetation buffer.
 5. Mowing is prohibited in the native vegetation buffer except in areas that had been maintained in a mowed condition prior to adoption of rules or Ordinances implementing the AuSable River natural river plan, or to establish an access footpath to the river or tributary that does not exceed four feet in width.
 6. In the AuSable River, mainstream, north branch and south branch, vegetation may be selectively pruned to allow for safe navigation and to alleviate flooding that threatens a dwelling. This may include pruning of a maximum 8-foot wide

¹ Amended on April 11, 2017; Effective on April 28, 2017

section of vegetation. Portions of trees, logs, and other natural material imbedded in the stream channel may not be disturbed.

7. All mainstream and tributary islands are subject to the native vegetation buffer standards.
8. A wider native vegetation buffer may be required for certain commercial uses.

B. Land Alteration.¹

Land alterations shall conform to the following requirements.

1. Land alterations shall not occur within the natural vegetation strip (except for placement of wood chips for a foot path), or the following within 400 feet of the river's edge.
 - a. the face or crest of a bluff
 - b. a wetland
 - c. floodplain
 - d. Below the ordinary high water mark of the river
2. Draining a wetland is prohibited
3. A pond may be constructed if the pond meets the building setback established for the natural river district, spoils are placed in a non-wetland, non-floodplain area landward of the natural vegetation strip, and the pond is not connected to the river by any surface or subsurface drainage system. Dredging or filling within 500 feet of the river's edge requires a permit.

C. Agriculture

1. Grazing within the natural vegetation strip shall be prohibited. Livestock must be fenced out to protect the riverbanks. Cattle crossings and watering areas shall be constructed according to accepted methods, after the landowner has consulted with the local Soil Conservation Service, County Extension Service, and/or Department of Natural Resources.
2. Water withdrawal for irrigation will not be affected by natural river designation, but will continue to be permitted in accordance with the riparian doctrine of reasonable use.

D. Docks

Private boat docks shall be in conformance with all of the following requirements:

1. Docks shall not be more than 48 square feet in area, with not more than four (4) feet of the dock extending over the edge of the river.
2. Docks shall be designed, constructed, and maintained to blend with natural surroundings. The use of natural, native materials is encouraged.
3. Unless provided within this Ordinance, only one (1) dock shall be constructed per lot.
4. Where regulations permit multiple docks, such docks may be placed side by side.

E. Signs

Residential identification signs

1. Signs shall serve to identify the name of dwelling occupants only and not to advertise a business or service.
2. One sign shall be permitted per lot or parcel, which shall not be more than one (1) square foot in area.
 - a) Real estate signs: if all of the following provisions are complied with:

¹ Amended on April 11, 2017; Effective on April 28, 2017

- 1) A sign shall be of a temporary nature and shall not be more than 4 square feet.
 - 2) One sign shall be allowed per parcel, which shall not be located in the natural vegetation strip.
 - 3) A sign shall be removed within fourteen (14) days of the sale of the advertised parcel.
- b) "No Trespassing" signs if such signs are not more than one (1) square foot in area and are spaced a minimum of one hundred (100) feet apart.

F. On Site Sanitation Systems.

1. All habitations within the Stream Corridor Overlay District must contain sanitary waste disposal facilities conforming in type to those required by health specifications of the State of Michigan and the county or district health department having legal jurisdiction. The facilities provided may be for either water borne waste disposal by the septic tank-absorption tile field method or for non-water borne disposal by the use of a health department approved or other state approved sanitary system.
2. New septic tanks and absorption tile fields or other approved sanitary systems within the Stream Corridor Overlay District shall be located not less than one hundred fifty (150) feet from the ordinary high water mark nor within land that is subject to flooding. The absorption field shall be located in a well-drained area and the bottom of the field shall be at least four feet above the known high groundwater table. No absorption field shall be closer than one hundred (100) feet from any surface or subsurface drainage system, including sump pumps discharging into the river or its tributaries.
3. The bottom of the pit associated with an earth privy shall not be less than four (4) feet above the known groundwater table.

G. Minerals

New development, exploration or production of oil, gas, salt brine, sand and gravel or other minerals except groundwater are not permitted within three hundred (300) feet of the designated river or tributaries (Section 10, Natural River Act). On new leases on state land, Natural Resources Commission policy prohibits drilling for gas or oil within one-quarter (¼) mile of any major stream.

H. Limitations on Funnel Development

Funnel development shall not be allowed on the Au Sable River or designated tributaries.

I. Driveways, Sidewalks and/or Parking areas

Any driveway, sidewalk and/or parking area within the Stream Corridor Overlay District are subject to the district setback requirements, per **Section 5.08**.

Section 5.07.5 Legal Nonconformance

See **Section 3.02**, with the following modifications and/or additional requirements applying only to the SC district.

- A. A legal nonconforming structure may not be enlarged or altered in any way that increases its nonconformity, such as expanding it toward the river system's ordinary high water mark or increasing its height above the allowable standard. However, the ground

floor area of any legal nonconforming structure may be enlarged by up to one-half of the (ground floor) area existing on the date of nonconformance, or to a total ground floor area of 924 square feet, whichever is greater through alterations, repairs and additions, provided that the enlargement does not increase structure nonconformity. Any enlargement of a legal nonconforming structure must, to the extent possible, comply with all setback and other building requirements.

- B. If a nonconforming structure is destroyed by any means to an extent more than fifty (50%) percent of the current appraised value, it shall not be reconstructed except in conformity with the provisions of this Ordinance.¹

Section 5.07.6 Dimensional Regulations

Structures and uses in the Stream Corridor Overlay District are subject to the area, height, bulk and placement requirements in **Section 5.08 Schedule of Regulations**.

Section 5.07.7 Coordination with the State of Michigan

The Township Planning Commission and Zoning Board of Appeals will send copies of all zoning, special use approval and variance requests for properties located in the Stream Corridor Overlay District to the Michigan Department of Natural Resources Natural Rivers Program staff.

¹ Amended on April 11, 2017; Effective on April 28, 2017

Section 5.08 – South Branch Schedule of Regulations

Zoning District	District Name	Minimum Lot Area		Maximum Height of Structure Feet (a)	Minimum Yard Setbacks (in feet) (d)			Minimum D.U. Floor Area (n)	Maximum % of Lot Coverage
		Area	Width (ft.)		Front (f)	Side (k)	Rear		
RC	Resource Conservation	20 ac.	200	35	50	25 (b)	50	750 s.f.	20%
FF	Farm Forest	5 ac.	200	35	50	20 (c)	50 (j)	750 s.f.	20%
LDR	Low Density Residential	2 ac.	150	35	50	20 (c)	50	750 s.f.	30%
MR	Mixed Residential	20,000 s.f.	100	35	30	10 (c)	30	750 s.f.	30%
CB	Commercial Business	1 ac.	150	35 (l)	50	10 (e)	50	--	75%
I	Industrial	2 ac.	200	40 (l) (m)	50	20 (g)	50	--	50%
SC	Stream Corridor Overlay	50,000 s.f.	200	35 (j)	200 (i)	30	25	750 s.f.	(h)

- (a) Maximum of thirty-five (35) feet for all dwellings and a maximum of twenty-five (25) feet for all accessory buildings; maximum of forty-five (45) feet for all agricultural buildings, except for grain elevators, silos, and non-commercial wind turbine generators or windmills used for pumping livestock water which shall not exceed 100 feet in height.
- (b) Minimum of twenty-five (25) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet
- (c) Except where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet when located in the FF or LDR Districts, and shall be thirty (30) feet when located in the MR District.
- (d) In cases of recorded plats, the setbacks set forth in the applicable covenants shall apply.
- (e) Side yards shall be increased to twenty (20) feet in Commercial Business (CB) where adjacent to any residential district.
- (f) Measured from the road right-of-way, except for waterfront parcels where the front yard is defined as the waterfront side and the front yard setback is measured from the ordinary high-water mark.
- (g) Minimum of 20 feet for one side, but a minimum total of 50 feet for both sides
- (h) Lots less than 10,000 sq. ft. – 35%; 10,000 to 40,000 sq. ft. – 25%; lots 40,000 sq. ft. – 20%; lots greater than 80,000 sq. ft. – 10%.¹
- (i) Properties located on lakes and streams, the front yard is defined as the waterfront. For the South and North Branches of the Au Sable or the main stream, the setback shall be two hundred (200) feet from the ordinary high water mark, except that for every foot of ground elevation above the elevation of the ordinary high water mark, one (1) foot may be subtracted from the setback, to a minimum of one hundred and fifty feet. For the tributary streams, the front setback shall be one hundred (100) feet from the ordinary high water mark, except that for every foot of ground elevation above the elevation of the ordinary high water mark, one (1) foot may be subtracted from the setback, to a minimum of seventy-five (75) feet. The elevation above the high water mark shall be measured at the point of the proposed structure that is closest to the water.
- (j) The maximum height for a structure shall be 35 feet or 2 ½ stories, whichever is less.
- (k) The side yard setback for an accessory building shall be reduced to 10 feet.
- (l) Height restrictions do not apply to radio and television towers, telecommunication antennae and related facilities.
- (m) Height restrictions do not apply to Commercial Wind Turbine Generators and anemometer towers.
- (n) The square footage area of an attached garage shall not be counted in the floor area calculation for the dwelling unit.

¹ Amended on April 11, 2017; Effective on April 28, 2017

Article 6: Site Plan Review

South Branch Township

Section 6.01 Purpose

The purpose of this article is to specify the documents and/or drawings required, to ensure that a proposed land use or development activity is in compliance with this Ordinance, other local ordinances, and state and federal statutes and regulations. Furthermore, its purpose is to ensure that development taking place within the Township is properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

Section 6.02 Plot Plan

The Zoning Administrator shall require that all applications for Zoning Permits, which do not require a site plan, be accompanied by plans and specifications including a Plot Plan, drawn to scale, showing the following:

1. The shape, location and dimensions of the lot, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this Ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.
2. The location, shape and size of all buildings or other structures to be erected, altered or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
3. The location and configuration of the lot access and driveway, drawn to scale.
4. Location of existing or proposed septic system and water well.
5. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
6. Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

Section 6.03 Site Plan Review (All Districts)

Required site plans give the Planning Commission an opportunity to review development proposals in a concise and consistent manner. The use of the site plan ensures that the physical changes in the property meet with local approval and that development actually occurs as it was planned and represented by the developer.

1. Circumstances Requiring a Site Plan: Site plans are required for the following uses:
 - A. All new uses and/or structures except single-family, two-family or multiple-family residential units and except associated accessory structures to single-family, two-family or multiple-family residential units.
 - B. Expansion or renovation of an existing use, other than single-family, two-family or multiple-family residential use, which increases the existing floor space more than twenty-five (25%) percent.
 - C. Changes of use for an existing structure or lot.
 - D. Any special use permit.
 - E. Any use requiring off-street parking, as stated in the off-street parking schedule of this Ordinance.
 - F. Establishment of a plat, a condominium subdivision, or other form of real estate development on greater than ten (10) acres created under the Land Division Act, on any parcel of land, provided the plat, the condominium subdivision plan or other real estate development establishes either (a) more than two (2) residential units or (b) any other use requiring a site plan under this Ordinance.
 - G. Other uses as required by this Ordinance.

2. Pre-application Conference: The Zoning Administrator, Planning Commission Chair and/or Planning Commission shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the site plan review process, and other Ordinance requirements; and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.

This conference shall not be mandatory, but is recommended for small and large projects alike. It is recommended for large projects that a pre-application conference be held at least three (3) months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review. No engineered drawings will be accepted at the pre-application conference.

3. Site Plan Data Required: Each site plan submitted shall contain the following information unless specifically waived, in whole or in part by the Township Planning Commission. The Planning Commission can waive any or all of the below site plan requirements, when it finds those requirements are not applicable to the proposed development.
 - A. The name and address of the property owner.
 - B. The date, north arrow, scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = fifty (50) feet for parcels under three (3) acres and not less than one (1) inch = one hundred (100) feet for parcels three (3) acres or more.

- C. A certified survey of the property prepared and sealed by a professional licensed surveyor, showing at a minimum the boundary lines of the property, to include all dimensions and legal description.
- D. The location of all existing structures and all proposed uses or structures on the site, including proposed drives, walkways, signs, exterior lighting, adequate parking for the proposed uses (show the dimensions of a typical parking stall and parking lot), loading and unloading areas, if necessary, common use areas and recreational areas and facilities. An elevation drawing of the proposed building(s) shall be required in order to review the proposed building bulk and verify height.
- E. The location and width of all abutting rights-of-way, easements and utility lines within or bordering the subject project.
- F. The location of existing environmental features, such as watercourses, wetlands, shorelines, man-made drains, mature specimen trees, wooded areas or any other unusual environmental features.
- G. The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names.
- H. The existing Zoning District in which the site is located and the zoning of adjacent parcels.
- I. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
- J. The location, size and slope of all surface and subsurface drainage facilities.
- K. Summary tables, cross-sections and/or floor plans should be included with site plans for proposed structures, giving the following information:
 - 1) The number of units proposed, by type, including a typical floor plan for each unit.
 - 2) The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
 - 3) Typical elevation drawings of the front and rear of each building.
- L. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten (10%) percent or greater, contours shall be shown at height intervals of two (2) feet or less.
- M. Generalized soil analysis data, which may include data prepared by the Crawford County Soil Conservation District regarding the soils and their adaptability to the use. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils.

N. Impact Statement

The statement shall address itself to the following as applicable to the type of use:

- 1) A complete description of the proposed development including: areas of the site, the number of lots or units; and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, income, and related information as applicable.
- 2) Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to ground water reserves or community system capacity, change in traffic volume on adjacent streets and other factors that may apply to the particular development.
- 3) Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.

4. Application Submittal Procedures:

- A. Ten (10) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator's office by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered. The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.
- B. The Planning Commission may distribute the site plan to the following agencies or any other agency deemed appropriate for comment prior to consideration for approval.
 - 1) The Crawford County Planning Department
 - 2) The Crawford County Soil Erosion and Sedimentation Control Officer
 - 3) The Crawford County Drain Commissioner
 - 4) The Crawford County Road Commission and, if appropriate, the Michigan Department of Transportation
 - 5) District Health Department
 - 6) Local fire and ambulance service providers
- C. Application fees as determined pursuant to **Section 10.05** of this Ordinance shall be paid when the application and site plan are submitted to cover the estimated review costs.
- D. Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be

necessary before the site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.

- E. The applicant or his/her representative shall be present at each scheduled review or the matter shall be tabled for a maximum of two (2) consecutive meetings due to lack of representation.

5. Standards for Granting Site Plan Approval:

- A. The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below, unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard.

- 1) All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- 2) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas. No prohibited plant species (per the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended) and no noxious weeds seeds (as identified in the Michigan Seed Law, Act 329 of 1965 and Regulations 715, Seed Law Implementation) shall be intentionally planted.
- 3) Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties. Site drainage during and after construction shall not result in erosion due to an increase in velocity and/or volume of stormwater runoff entering neighboring properties.
- 4) The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- 5) All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides.
- 6) Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use.
- 7) All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials no less than six feet in height.

- 8) Exterior lighting shall be arranged as required by **Section 3.19 Outdoor Lighting**.
- 9) The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.
- 10) All streets shall be developed in accordance with the **Section 3.23 Driveways and Private Roads**, or if a public road, the County Road Commission specifications.
- 11) All site plans shall comply with the terms of the Crawford County Soil Erosion and Sedimentation Control Ordinance and Stormwater Ordinance. It shall be the applicant's responsibility to provide documentation of compliance of these County Ordinances.
- 12) Site plans shall conform to all applicable requirements of state and federal statutes, applicable county regulations and the South Branch Township Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit authorizing the special land use is granted.

B. The Planning Commission shall seek the recommendations of the Fire Chief, the Crawford County Road Commission, the County Health Department, and the Michigan Department of Natural Resources, where applicable.

6. Approval Site Plan: If approved by the Planning Commission, three (3) copies of the site plan shall be signed and dated by both the applicant and Zoning Administrator or Planning Commission Chair. One signed and dated copy of site plan shall be provided to the applicant; one shall be retained by the Zoning Administrator as part of the Township's permanent zoning file, and; one copy shall be made part of the Planning Commission's permanent record of proceedings on the site plan.
7. Conformity to Approved Site Plan Required: Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved site plan. Failure to do so shall be deemed a violation of this Ordinance.
8. Amendment of Approved Site Plan:
Amendment of an approved site plan shall be permitted only under the following circumstances:
 - A. The owner of property for which a site plan has been approved shall notify the Zoning Administrator of any desired change to the approved site plan. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - 1) Reduction of the size of any building and/or sign.
 - 2) Movement of buildings and/or signs by no more the ten (10) feet.

- 3) Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
- 4) Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
- 5) Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
- 6) Changes related to item 1) through 5) above, required or requested by South Branch Township, Crawford County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.
- 7) All amendments to a site plan approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.

B. An amendment to an approved site plan that cannot be processed by the Zoning Administrator under Subsection (8.A) above shall be processed in the same manner as the original site plan application.

9. Expiration of Site Plan:

A. The site plan approval shall expire unless construction of an approved site plan improvement has begun within 365 days of approval. Thirty (30) days prior to expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one (1) year extension of the site plan at no fee. The Planning Commission shall grant the requested extension for an additional one (1) year, if it finds good cause for the extension and that the zoning regulations governing the site plan approval have not changed since the approval.

B. Any subsequent re-submittal shall be processed as a new request with new fees.

10. Conditional Approvals: The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **Section 10.03** of this Ordinance.

11. Performance Guarantee Required: The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a final site plan, pursuant to **Section 10.06** of this Ordinance.

12. As-Built Site Plan: Upon completion of the installation of required improvements as shown on the approved final site plan, the property owner shall submit to the Zoning Administrator two (2) copies of an "as built" site plan, certified by the engineer or surveyor, at least two (2) weeks prior to the anticipated occupancy of any building. The Zoning Administrator shall circulate the "as built" plans among the appropriate persons for review to insure conformity with the approved final site plan and other South Branch Township requirements. Once those persons have approved the "as built" plans the Zoning Administrator may make the final inspection.

Article 7: Uses Subject to Special Use Permit

South Branch Township

Section 7.01 Purpose

It is the purpose of this Article to specify the procedure and requirements for the review of special land uses, as specified in this Ordinance. Uses classified as special land uses are recognized as possessing unique characteristics (relative to location, design, size, public infrastructure needs, and other similar characteristics), which require individual review and approval standards in order to safeguard the general health, safety, and welfare of the Township.

Section 7.02 Uses Subject to Special Use Permit

Uses requiring special use permit shall be subject to the general provisions and supplemental site development standards of this Ordinance, the provisions of the Zoning District where located in addition to applicable provisions of this Article to prevent conflict with or impairment of the other uses or uses permitted by right of the district. Each use shall be considered an individual case.

1. Application

Application shall be submitted through the office of the Zoning Administrator, to the Planning Commission, on a special form provided for that purpose, and shall include the following:

- A. Site plan prepared under the requirements of **Section 6.03 – Site Plan Review (All Districts) - Site Plan Data Required.**
- B. Name and address of applicant and owner of the premises.
- C. Anticipated description of proposed use, including parking facilities, if required, and any exceptional traffic situations.
- D. A statement by applicant appraising the effect on the neighborhood.
- E. The application shall be accompanied by the fee established by the Township Board of Trustees.
- F. A detailed written statement, with supporting evidence, demonstrating how the proposed special land use will comply with the applicable general provisions, supplemental site development standards, and the standards for special use permit of this Ordinance.

2. Zoning Administrator's Review

- A. The Zoning Administrator shall review the application and information submitted under **Section 7.02.1** above to determine if all required information was supplied. If the Zoning Administrator determines that all required information was not supplied, he or she shall send written notification to the Applicant of the

deficiencies. The application for the special use permit cannot proceed until all required information has been supplied.

- B. Once all required information is submitted, the Zoning Administrator shall forward the application to the Planning Commission for its review under the procedures of this Article.

3. Notice Requirements for Planning Commission Public Hearings

The notices for all public hearings before the Planning Commission concerning requests for special use permits and planned unit developments shall comply with all of the following:

- A. The content of the notice shall include all of the following information:
 - 1) A description of the nature of the proposed special use or planned unit development request.
 - 2) A description of the property on which the proposed special use or planned unit development will be located. The notice shall include a listing of all existing street addresses within the property. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property.
 - 3) The time, date, and place the proposed special use or planned unit development request will be considered.
 - 4) The address where and the deadline when written comments will be received concerning the proposed special use or planned unit development request.
- B. The notice shall be published in a newspaper of general circulation within the Township not less than 15 days before the scheduled public hearing.
- C. The notice shall be sent by first-class mail or personal delivery to the owners of the property on which the proposed special use or planned unit development will be located not less than 15 days before the scheduled public hearing.
- D. The notice shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property on which the proposed special use or planned unit development will be located and to the occupants of all structures within 300 feet of the property on which the proposed special use or planned unit development will be located not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the Township. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
- E. After providing the notice required under this section and without further notice, except that as required under the Open Meetings Act, the Planning Commission may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date, and place of the continued public hearing.

4. Standards for granting Special Use Permit

The Planning Commission shall approve, or approve with conditions an application for a special land use permit only upon finding that the proposed special land use complies with the following standards:

A. Allowed Special Land Use

The property subject to the application is located in a Zoning District in which the proposed special land use is allowed.

B. Compatibility with Adjacent Land Uses

- 1) The proposed use subject to a special use permit shall be designed, constructed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
- 2) The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the areas by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public road or seen from any adjacent land owned by another person.
- 3) The proposed special land use shall specify hours of operations, to ensure compatibility with the surrounding land uses.

C. Public Services

- 1) The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.
- 2) The proposed special land uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

D. Economic Well-Being of the Community

The proposed special land use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.

E. Compatibility with Natural Environment

The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole.

F. Compliance with Specific Standards

The proposed special land use complies with all applicable specific standards required under this Ordinance.

5. Conditional Approvals

The Planning Commission may impose reasonable conditions with the approval of a special use permit, pursuant to **Section 10.03** of this Ordinance.

6. Performance Guarantee Required

The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a special use permit, pursuant to **Section 10.06** of this Ordinance.

7. Amendment of Approved Special Use Permits

Amendment of an approved special use permit shall be permitted only under the following circumstances:

- A. The owner of property for which a special use permit has been approved shall notify the Zoning Administrator of any desired change to the approved special use. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the special land use, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
- 1) Reduction of the size of any building and/or sign.
 - 2) Movement of building and/or signs by no more than ten (10) feet.
 - 3) Landscaping approved in the special use that is replaced by similar landscaping to an equal or greater extent.
 - 4) Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 - 5) Internal re-arrangement of parking lots which does not affect the number of parking spaces or alter access locations or design.
 - 6) Changes related to item 1) through 5) above, required or requested by South Branch Township, Crawford County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the special land use, nor any specified conditions imposed as part of the original approval.
 - 7) All amendments to a special land use approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.
- B. An amendment to an approved special use permit that cannot be processed by the Zoning Administrator under subsection 7.A above shall be processed in the same manner as the original special land use application.

8. Expiration of Special Use Permit

- A. An approved special use permit shall expire one (1) year following approval by the Planning Commission, unless substantial construction has begun pursuant to the permit prior to the expiration, or the property owner applies to the Planning Commission for an extension prior to the expiration of the special use permit. The Planning Commission shall grant the requested extension for an additional one year, if it finds good cause for the extension and that the zoning regulations governing the special use permit approval have not changed since the approval.
- B. If the special use permit expires pursuant to subsection 8.A above, no work pursuant to the special use permit may be undertaken until a new special use permit is obtained from the Planning Commission following the procedures for a new special use permit.

9. Reapplication
No application for a special use permit which has been denied, wholly or in part, by the Planning Commission shall be re-submitted for a period of one (1) year from the date of such denial, unless a rehearing is granted pursuant to **Section 10.04** of this Ordinance.
10. Jurisdiction of the Zoning Board of Appeals
The Zoning Board of Appeals shall have no jurisdiction over decisions of the Planning Commission in regard to matters concerning the granting of special use permits.
11. Inspection
The Zoning Administrator shall have the right to inspect any special use permit use, to ensure continued compliance with the conditions of the special use permit.

Article 8: Supplemental Site Development Standards

South Branch Township

Supplemental Site Development Standards - Introduction

Those Permitted Uses and uses allowed by Special Use Permit listed in any Zoning District, if included below, shall be subject to the following conditions and requirements.

Section 8.01 Bed and Breakfast Establishments

Bed and breakfast establishments shall be subject to the following regulations:

1. **Bed and Breakfast Establishments as an Accessory Use:** The bed and breakfast establishments shall be clearly incidental to the principal residence on the site. Accordingly, the bed and breakfast operations shall be confined to the single-family dwelling unit which is the principal dwelling on the site. Not more than thirty (30%) percent of the total floor area of the dwelling unit is used for bed and breakfast sleeping rooms.
2. **Maximum Number of Units:** No more than four (4) bed and breakfast units shall be established in dwelling units located on lots of two and one-half (2.5) acres in size or greater. Where lot size exceeds one (1) acre and less than 2.5 acre in size, the number of bed and breakfast units permitted shall be based on good design principles, subject to Planning Commission review, and not to exceed four (4) bed and breakfast units.
3. **Principal Residence:** The dwelling unit shall be the principal residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast facility is in operation.
4. **Kitchen Facilities:** There shall be no separate cooking facilities for the bed and breakfast establishment, other than those which serve the principal residence. Food may be served only to those persons who rent a room in the bed and breakfast facility.
5. **Building Requirements:** A building used for a bed and breakfast establishment shall comply with the following minimum requirements:
 - A. There shall be at least two (2) exits to the outdoors.
 - B. Rooms used for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants.
 - C. Each sleeping room shall be equipped with a functional smoke detector.
 - D. There shall be at least one (1) bathroom for every two (2) rental rooms.
6. **Parking:** A minimum of two parking spaces for the principal residence, plus one additional space for each bed and breakfast unit shall be provided on site. Off-street parking in the front yard is prohibited.

Section 8.02 Businesses with Drive-Through Services, including Restaurants

These standards are designed to provide adequate vehicle stacking space on business properties that offer drive-in or drive-through services in order to avoid congestion on adjacent streets and to require site designs that address on-site circulation patterns, recognizing potential pedestrian conflicts with vehicles entering/exiting the property, vehicles using parking lots and vehicles using drive-through service lanes.

Businesses which provide a drive-in or drive-through service (but not Gasoline Service Stations) may be permitted, as regulated in their respective Zoning Districts, subject to the review of the Planning Commission and the following conditions:

1. Access drives shall be located at least sixty (60) feet from the nearest intersection, measured from the edge of the access drive to the closest edge of the right-of-way of either of the intersecting roads.
2. Drive-through / drive-in service windows and order areas shall only be located in the side or rear yard of the property.
3. Site design shall show compatibility between pedestrians and parking areas, stacking lanes, access lanes to parking spaces, and to drive-through lanes.
4. Service windows, order kiosks, and/or service pedestals shall not be located along that side of the building which borders a Residential (LDR, MR), Resource Conservation (RC) or Farm Forest (FF) Zoning District boundary, in order to protect residential areas from the nuisances of sound systems, running engines, and exhaust pollution.
5. If deemed appropriate by the Planning Commission to achieve compatibility with adjacent uses, planted greenbelts, berms, and/or fencing may be required on the sides abutting or adjacent to a residential district or use to provide six (6) foot high screening, measured from the surface of the ground on the abutting residential district or use.
6. Vehicle stacking spaces shall be provided for drive-through operations subject to the standards listed in the parking requirements in **Section 3.13 Parking and Loading Space Requirements**.

Section 8.03 Campgrounds

1. A minimum parcel size shall be ten (10) acres, and not less than six hundred (600) feet wide.
2. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire campground or travel trailer park.
3. All sanitary stations, privies, or any sanitary facilities shall be located at least one hundred (100) feet from property lines.
4. Campground perimeter shall be completely screened by natural terrain, neatly finished and well-maintained tight board or vinyl fence or masonry wall, or by well maintained live evergreens.

5. Campsites shall be located at least fifty (50) feet from property lines.
6. All campgrounds shall comply with State of Michigan and Health Department requirements.
7. No person shall occupy any travel trailer, tent or house car unit for more than six (6) months in any one (1) year.

Section 8.04 Car Wash Facilities

1. **Layout:** All washing activities shall be carried on within an enclosed building. Vacuuming activities shall be permitted, provided such activities are located at least fifty (50) feet from adjacent residentially zoned or used property.
2. **Entrances and Exits:** Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. Dryers shall be located and muffled to not create a noise nuisance for surrounding properties. All maneuvering areas, vehicle stacking lanes, and exit aprons shall be located on the car wash parcel itself and subject to the standards listed in **Section 3.13 Parking and Loading Space Requirements**. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

Section 8.05 Cemeteries

1. **Location:** No portion of any cemetery that is located in a wetland shall be developed or platted for grave sites.
2. **Accessory Buildings:** A crematorium, mausoleum, columbarium, or other accessory building may be permitted within a cemetery provided that any such building shall be designed and located in accordance with a cemetery master plan, which shall be subject to Planning Commission approval.
3. **Setbacks:** No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than fifty (50) feet to the boundary line of any residential or commercial district.

Section 8.06 Commercial Outdoor Recreational Facilities

Commercially used outdoor recreational space, such as but not limited to, that used for children's amusement parks, carnivals, rebound tumbling facilities, miniature golf, and driving ranges, shall be subject to the following requirements:

1. Children's amusement facilities must be fenced on all sides with a minimum four foot and six inch (4' 6") protective wall or fence.
2. All manufacturers' specifications for safety are complied with as well as any additional safety measures that may be prescribed by the Planning Commission.
3. The noise level shall be no more than fifty (50) decibels as measured on the dB(A) scale at the property lines of the site.

When discontinued or abandoned, the site shall be left in a reusable condition, free of hazards related to dangerous structures, pits, pools, excavations, electric circuits and similar features.

Section 8.07 Funeral Home or Mortuary

Funeral home or mortuary property shall have direct vehicular access to a public road or street. Funeral home or mortuary property shall be at least one hundred fifty (150) feet of lot width. All uses, off-street parking areas, and loading areas are within the accommodations on site, without encroachment into the setback areas. The service entrance to the building shall be screened from view of adjoining residential properties, or contained within the confines of the building.

Section 8.08 Gasoline / Service Station

1. Minimum lot size shall be fifteen thousand (15,000) square feet for an automobile repair station and twelve thousand (12,000) square feet for a gasoline service station.
2. Minimum lot width shall be one hundred twenty (120) feet for an automobile repair station and one hundred (100) feet for a gasoline service station.
3. An automobile repair station building, repair garage or main building for a gasoline service station shall be located not less than forty (40) feet from the street right-of-way nor less than twenty-five (25) feet from the side or rear lot line of any adjoining residential property nor less than ten (10) feet from the side or rear lot line of adjoining commercial or industrial property.
4. No ingress or egress to an automobile repair station, public garage or gasoline service station, shall be closer than twenty-five (25) feet from any intersection or residential property line abutting the property on which such facility is located.
5. The entire lot, excluding those areas occupied by a building or landscaped areas, shall be hard-surfaced with concrete or a plant mixed bituminous material. On site stormwater management shall comply with the provisions of **Section 3.15** of this Ordinance.
6. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building. All gasoline pumps shall be located not less than twenty-five (25) feet from any lot line and shall be arranged so that motor vehicles may be provided easy egress and ingress to and from the adjoining street, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, street or public right-of-way. Storage and disposal of any hazardous materials shall comply with the provisions of **Section 3.16 and 3.17** of this Ordinance
7. When adjoining residential property, a masonry wall at least five (5) feet in height shall be constructed parallel to the property line of such residential property. All masonry walls shall be protected by a fixed curb or other barrier to prevent vehicular contact.
8. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a masonry wall at least five (5) feet in height. Outside storage or parking of disabled, wrecked or partially dismantled vehicles shall be allowed for a period not to exceed thirty (30) days.

9. The sale or rental of used or new vehicles, including trailers or recreational vehicles on the premises, is allowed in designated areas, subject to site plan approval by the Planning Commission.
10. The property on which the automobile repair station, repair garage or gasoline service station is located shall be no closer than five hundred (500) feet from a vehicular entrance or exit to a hospital, library, museum, public or private school, playground, church or park.
11. All exterior lighting shall comply with **Section 3.19 Outdoor Lighting** of this Ordinance.
12. On a corner lot, both street frontage sides shall conform to all applicable front yard regulations of this Ordinance.
13. Parking and stacking spaces shall be provided subject to the **Section 3.13 Parking and Loading Space Requirements**.

Section 8.09 Home Improvement Centers and Lumber Yards

Facilities dealing primarily in pre-planed, dimensional, or finished lumber for wholesale or retail markets, and including building materials, accessory hardware, plumbing, and electrical supplies and/or equipment, provided:

1. The site is of a configuration as to be compatible with adjoining uses, having at least two hundred (200) feet of frontage on a public road, or part of a planned development having two hundred (200) feet of frontage.
2. Accessory outdoor storage shall be effectively obscured from public view by fences, greenbelts, structures, and/or other devices as approved by the Planning Commission.
3. Storage uses, buildings, parking lots, and sidewalks, shall provide a minimum setback of ten (10) feet from one side yard and forty (40) feet from the side property line to afford transition space for storm water, snow storage, and/or landscaped buffers.
4. The outdoor display of model homes, trusses, garages, storage sheds, etc. shall only be allowable upon Planning Commission approval of specific location on the site, and may be prohibited where site characteristics and adjoining uses would be incompatible with such a display. Such outdoor sales areas all also subject to the provisions of **Section 8.18 Outdoor Sales Facilities**.
5. Building material centers associated with the lumberyard may include incidental operations involving fabrication and processing, but only within limits set forth on an approved Site Plan.

Section 8.10 Junk Storage

Junk storage and salvage materials shall be allowed when located within a completely enclosed building. Any open storage yards or areas shall be entirely enclosed by an obscuring eight (8) foot wall, fence or greenbelt, and no salvage yard facilities shall be nearer to the exterior boundary of the Industrial District than one hundred (100) feet.

Section 8.11 Kennels or Veterinary Clinic/Hospital

1. All kennels shall be operated in conformance with County and State regulations and shall be on sites of at least five (5) acres. Veterinary clinics or hospitals shall be located on sites of at least one (1) acre in size.
2. Animals shall be confined in a fenced area to preclude their approaching nearer than five hundred (500) feet to any dwelling on adjacent premises or nearer than fifty (50) feet from the property line, which ever is greater.
3. Any fenced areas shall be screened from adjacent properties and/or roads with an opaque fence or a vegetated evergreen buffer at least five (5) feet in height.
4. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.

Section 8.12 Manufactured Home Developments

Manufactured home developments shall be subject to the following conditions:

1. Manufactured home developments shall be developed and licensed pursuant to the requirements of the Michigan Manufactured Housing Commission, Public Act 96 of 1987 and any rules promulgated pursuant to this Act, as amended. This includes but is not necessarily limited to compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces.
2. To the extent permitted by the Michigan Manufactured Housing Commission, this Ordinance shall require all mobile homes in mobile home parks to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.
3. To the extent permitted by the Michigan Manufactured Housing Commission, this Ordinance shall require the underside or chassis of all mobile homes in mobile home parks to be fully skirted or enclosed with durable, weather-resistant materials, as specified by the manufacturer or as specifically manufactured for use as home skirting, and all such skirting shall be maintained in place as designed.

Section 8.13 Mobile Homes and Trailers, Other Uses

Mobile homes, travel trailers and motor homes may be used as follows:

1. Mobile homes may be used as temporary dwellings until the owner or occupant thereof completes the construction or erection of a conventional housing unit for which a Building Permit has been issued, subject to the conditions of this Ordinance. The temporary dwelling shall be included on the Building Permit, and maintained as long as diligent progress is being made on the main property use, and shall be removed upon issuance of an Occupancy Permit for the main use.

2. Mobile homes may be used as a temporary contractor's office and/or equipment shed in any district when in connection with a construction project and authorized by the Zoning Administrator.
3. The unoccupied storage of a motor home or travel trailer, not a mobile home, on any residential property by the owner thereof shall be allowable as a permitted accessory use of the premises where there is a main use, provided such storage is confined to the rear yard when the rear yard is accessible. If the rear yard is not accessible, then storage in the side yard is permissible, if no nuisances, hazards, or blocking of views are created for the adjoining property.

Section 8.14 Motels and Hotels

1. Motels and Hotels shall have direct access to a County Primary or State Trunk line Highway, as opposed to a County local road as defined by the County Road Commission.
2. Motels and Hotels shall have a minimum lot width of one hundred fifty (150) feet.
3. There shall be at least eight hundred (800) square feet of lot area per guest room.
4. Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.
5. Motels and Hotels shall provide customary services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.

Section 8.15 Non-public Recreational Areas and Facilities

Private, semi-private, and other non-public recreation lands and/or facilities, subject to findings that the uses are compatible with the surrounding residential area, the uses respect the environmental qualities of the site, noise levels do not exceed those of typical residential areas and no inordinate obstructions to scenic views are established. Recreational uses permitted herein include parks, playgrounds, and common access sites. No such facilities shall have a commercial appearance or be of a commercial character.

Section 8.16 Nursing Homes, and Assisted Living Facilities

Nursing and convalescent homes, medical care facilities and similar uses shall meet the following requirements.

1. The minimum lot size for such facilities shall be five (5) acres.
2. Such uses shall front on to a paved County primary road and the main means of access for residents or patients, visitors, and employees shall be via the paved road. In no case shall access to a nursing home, convalescent home, or rest home be off of a residential street.
3. Any such facility shall provide a minimum of fifteen hundred (1,500) square feet of outdoor open space for every bedroom used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking

areas, driveways, and accessory uses or areas shall not be counted as required open space.

Nursing homes, convalescent homes, rest homes, and orphanages houses shall be constructed, maintained, and operated in conformance with applicable state and federal laws.

Section 8.17 Offices and Showrooms

Offices and show rooms of plumbers, electricians, decorators or similar trades shall be subject to the following standards. The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices or display. All storage of materials or any incidental repair shall be within the confines of enclosed buildings or otherwise obscured from view.

Section 8.18 Outdoor Sales Facilities

Outdoor sales and rental lots for automobiles, trucks, motorcycles, all terrain vehicles, boats and marine craft, recreation vehicles, trailers, mobile homes, farm implements, contractors equipment/vehicles, and similar units, for sale or rental of new and/or used units, subject to the following:

1. No display shall be permitted in the right-of-way of any abutting road or highway.
2. Roadside trees and shrubs, shall be retained or replaced and maintained in a healthy growing condition determined by the Planning Commission to offer aesthetic value, contribute to shade, while offering reasonable visual access to the display lot.
3. The use of racks, berms, platforms, or similar devices intended for the elevated display of units regulated herein shall be limited to not more than two (2), or one (1) per one hundred fifty (150) feet of display lot road frontage, whichever is greater and are subject to Planning Commission approval. No such display device shall elevate the underframe of a vehicle more than five (5) feet above the ground.
4. Display lot lighting shall comply with terms of **Section 3.19** which shall apply whether or not the lighting is projected from buildings, private poles, or from utility company poles, i.e. as yard lights.
5. The display of units regulated herein shall only be in areas indicated or designated on the site plan, and areas shall be differentiated as to the display of new, used and/or inoperable units.
6. Parking area shall be provided in the side or rear yard of the site so as to prevent on-street parking.
7. The front setback line of the vehicle display area shall be marked by a permanent curb of sufficient height and stability to serve as a tire stop.

Section 8.19 Planned Unit Development (PUD)

1. Intent and Purpose

As used in this section, “planned unit development” (or PUD) means cluster zoning, planned development, community unit plan, planned residential development, and other planned development. The purposes of a PUD are:

- A. To accomplish the objectives of the Zoning Ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.
- B. To permit flexibility in the regulation of land development.
- C. To encourage innovation in land use in variety and design, layout, and type of structures constructed.
- D. To achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
- E. To encourage usable open space and provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the Township.

2. Use and Area Regulations

- A. *Permitted Uses.* Planned unit developments shall be permitted in any Zoning District according to the following:
 - 1) **Farm Forest and Residential Districts** - Except as noted, PUD uses shall be limited to the range of uses provided for within the underlying Zoning District classification. Such uses may be placed either singularly or in combination. Institutional and commercial uses determined by the Planning Commission to be compatible with the character of the PUD and surrounding neighborhood may also be permitted, provided the total area devoted to institutional and commercial uses shall not exceed twenty (20%) percent of the PUD site area.
 - 2) **Commercial & Business District** - Except as noted, PUD uses may include any of the range of uses provided for within the underlying Zoning District classification. Such uses may be placed either singularly or in combination. Residential uses determined by the Planning Commission to be compatible with the character of the PUD and surrounding neighborhood may also be permitted provided the total area devoted to residential uses shall not exceed forty (40%) percent of the PUD site area.
 - 3) **Industrial District** - Except as noted, PUD uses shall be limited to the range of uses provided for within the underlying Zoning District classification. Such uses may be placed either singularly or in

combination. Commercial uses determined by the Planning Commission to be compatible with the character of the PUD and surrounding area may also be permitted provided the total area devoted to commercial uses shall not exceed twenty (20%) percent of the PUD site area.

In approving a PUD with mixed uses, the Planning Commission may stipulate the sequence in which said uses, or portions thereof, are constructed.

B. *Area Regulations.* Except to the extent that a PUD or a portion of a PUD is subject to area regulations mandated by a state agency, a PUD shall meet the following area regulations.

- 1) *Perimeter Setbacks.* The setback maintained along the perimeter of the PUD shall equal or exceed the required setback of the underlying Zoning District, provided:
 - (a) Any portion of a commercial or industrial use shall maintain a perimeter setback of not less than fifty (50) feet from any adjoining or abutting property which is developed residential or is located in a zoning district that permits residential development.
 - (b) With the exception of access drives, parking areas, lighting, sidewalks and curbing, the perimeter setback shall be landscaped.
- 2) *Open Space.* A PUD project shall have open space of no less than twenty-five (25%) percent of the entire project area. This required open space shall be dedicated to the public or set aside for the common use of the owners and users within the PUD. Dedicated open space does not include parking lots, roads, and public rights-of-way, but may include flood plain areas and wetlands up to a maximum of twenty-five (25%) percent of the required open space and landscape area devoted to perimeter setbacks.
- 3) *Height Regulations.* The height of all buildings and structures within a PUD project shall not exceed the height limit of the underlying Zoning District.
- 4) *Other Dimensional Regulations.* To promote creativity and flexibility in site design, the Planning Commission may, subject to the following limitations, reduce the other dimensional regulations, as required by the underlying Zoning District, including but not limited to minimum lot size, density, and setbacks within the PUD project, upon a finding that the proposed dimensional regulations will not be detrimental to the public health, safety, or welfare of future occupants of the PUD, the surrounding neighborhood, or the Township as a whole.

Any reductions by the Planning Commission shall be limited as follows:

- (a) Setbacks shall not be reduced by more than fifty (50%) percent of the underlying Zoning District requirements. Perimeter setbacks as required by the PUD regulations may not be reduced.
- (b) Required parking shall not be reduced by more than sixty (60%) percent of the parking normally required of the proposed use. In

no case shall a single-family home, mobile or modular home, or other such detached single-family dwelling have less than two (2) on-site (off-street) parking spaces. In reducing the required parking, the Planning Commission may require the reservation of a portion of the PUD site for future parking.

Prior to approving a reduction in dimensional regulations, the Planning Commission may require the applicant to demonstrate through bonafide documentation, including but not limited to traffic impact studies, environmental impact studies, market needs assessments, and infrastructure impact studies, that the reduction will not result in significant impacts to the PUD project and PUD occupants, the surrounding area, and the Township as a whole.

C. *Planned Unit Development Eligibility Requirements.* To be eligible for a planned unit development, a parcel shall meet all of the following:

- 1) The parcel shall be ten (10) contiguous acres or more in area. Provided, however, if the proposed PUD will contain a mixture of residential and non-residential uses, the parcel shall be twenty (20) acres or more in area. For purposes of this subsection, recreational amenities, such as health clubs and facilities providing swimming pools or tennis courts, and commercial activities customarily incidental to a residential use shall not be considered non-residential uses.
- 2) The parcel on which the proposed PUD will be located shall be served by public water and sanitary sewer facilities, if available.
- 3) The parcel on which the proposed PUD will be located shall be under single ownership, or the PUD application shall be filed jointly by all property owners.
- 4) The proposed uses within the PUD shall be consistent with the South Branch Township Master Plan for the subject parcel.

D. *Pre-application Conference.*

- 1) A pre-application conference shall be held with the Planning Commission or its representative, unless waived by the applicant, for the purpose of determining the eligibility of the proposed PUD application and to review the procedures and standards for PUD approval. The goals of the pre-application conference are to acquaint the Planning Commission, or its representative, with the applicant's proposed development, assist the applicant in understanding new or additional information which the Planning Commission will need to effectively consider the application, confirm that the application and all supporting documentation is ready for a public hearing, and to acquaint the applicant with the Planning Commission's initial, but unofficial reaction to the application. In no case shall any representations made by the Planning Commission, or its representative, at the pre-application conference be construed as an endorsement or approval of the PUD.
- 2) A request for a pre-application conference shall be made to the Zoning

Administrator who shall schedule a date and time for the pre-application conference. As part of the pre-application conference, the applicant shall submit five (5) copies of a conceptual plan which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use for the entire site.

- E. *PUD Application Requirements.* An applicant seeking approval of a PUD shall submit a complete application to the Zoning Administrator. The Zoning Administrator shall then forward the application to the Planning Commission for its review under the procedures of this section. The application shall include all of the following:
- 1) A completed application form, supplied by the Zoning Administrator.
 - 2) Payment of a fee as established by resolution of the Township Board.
 - 3) A narrative statement describing:
 - (a) The objectives of the proposed PUD and how they relate to the intent of the Zoning Ordinance as described in subsection 1), above.
 - (b) The relationship of the proposed PUD to the South Branch Township Master Plan.
 - (c) Phases of development, if any, and the approximate time frame for the start and completion of construction of each phase.
 - (d) Proposed master deed, deed restrictions, covenants or similar legal instruments to be used within the PUD.
 - (e) Anticipated dates for the start and completion of the PUD construction.
 - (f) The location, type, and size of areas to be dedicated for common open space.
- F. The PUD application shall include all information required by **Sections 6.03** and **Section 7.02**, and the following:
- 1) Required setbacks of the Zoning Districts.
 - 2) Area of subject property to be covered by buildings.
 - 3) Percentage of the total site devoted to open space and the proposed uses of that open space.
 - 4) Such other information regarding the development area that may be required to determine conformance with this Ordinance.
- G. *Public Hearing on PUD Request; Notice.*
See **Section 7.02.3**.
- H. *Planning Commission Review of PUD.* Following the public hearing the Planning Commission shall review the PUD application and shall approve, deny, or approve with conditions the PUD application based on the standards for PUD approval contained in subsection I. below. The Planning Commission's decision shall be in writing and shall include findings of fact, based on the evidence presented at the public hearing, on each standard.

- I. *Standards for PUD Approval; Conditions; Waiver of PUD Standards.*
- 1) *General Standards.* The Planning Commission shall approve, or approve with conditions, a PUD application if the Planning Commission finds that the proposed PUD meets the standards of **Section 6.03.5** and **Section 7.02.4** and all of the following:
 - (a) The planned unit development shall be consistent with the South Branch Township Master Plan.
 - (b) The planned unit development shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area. Landscaping shall ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and will be consistent with outdoor pedestrian movement. Vegetation proposed by the developer or required by the Planning Commission shall be maintained in a healthy living condition and such vegetation if dead shall be replaced.
 - (c) The planned unit development shall not change the essential character of the surrounding area, unless such change is consistent with the Township's current master plan.
 - (d) The planned unit development shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.
 - (e) The planned unit development shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or park systems intersecting or abutting such development.
 - (f) The planned unit development shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely interfere with the flow of traffic within the site or to and from the adjacent streets. Safe and adequate access for emergency vehicles to or within the development, adequate space for turning around at street ends, and a minimum of two ingress/egress routes for the development shall be provided and maintained.
 - (g) The planned unit development shall not result in any greater storm water runoff to adjacent property after development, than before. The open space shall be provided with ground cover suitable to control erosion, and vegetation which no longer provides erosion control shall be replaced.
 - (h) The design of the planned unit development shall exhibit a reasonably harmonious relationship between the location of buildings on the site relative to buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area. It is not intended that

contrasts in architectural design and use of facade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing building designs and facade materials so as to create an adverse effect on the stability and value of the surrounding area.

- (i) The planned unit development shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, and drainage or erosion control.
 - (j) All utility lines within the planned unit development shall be located underground.
 - 2) *Conditions.* The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **Section 10.03** of this Ordinance.
- J. *Planned Unit Development Permit.* Following final approval of a PUD application, a permit shall be obtained from the Zoning Administrator. The issuance of this permit, however, shall not relieve the applicant from complying with applicable county, state, and federal permit requirements. The failure of the applicant to obtain any required county, state, or federal permit shall render the PUD permit issued under this subsection void.
- K. *Continuing Adherence to Approved PUD Application.* Any property owner who fails to develop and maintain an approved PUD according to the approved PUD application and conditions, if any, shall be deemed in violation of the provisions of this Ordinance and shall be subject to the penalties provided in this Ordinance.
- L. *Recording of Action.* The applicant shall record an affidavit acceptable to the Township Attorney with the Crawford County Register of Deeds that contains the full legal description of the project site, specifies the date of final Township approval, specifies the description or identification number which the Township has assigned to the PUD project, and declares that all improvements will be carried out in accordance with the approved PUD application. If the Planning Commission approves an amendment to the PUD, the applicant shall record an amended affidavit acceptable to the Township Attorney that contains all of the information described above, describes the amendment, specifies the date the Planning Commission approved the amendment, and declares that the improvements will be carried out in accordance with the approved PUD, as amended. Finally, all deed restrictions and easements shall be duly filed with the Crawford County Register of Deeds and copies of recorded documents filed with the Zoning Administrator.
- M. *Amendment of an Approved Planned Unit Development.* Amendments to an approved PUD shall be permitted only under the following circumstances:
- 1) The owner of property for which a PUD has been approved shall notify the Zoning Administrator of any desired change to the approved PUD. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design

and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:

- (a) Reduction of the size of any building and/or sign.
- (b) Movement of buildings and/or signs by no more than ten (10) feet.
- (c) Landscaping approved in the PUD plan that is replaced by similar landscaping to an equal or greater extent.
- (d) Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
- (e) Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
- (f) Changes related to items (a) through (e) above, required or requested by South Branch Township, Crawford County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval.

- 2) All amendments to a PUD approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the applicant shall prepare a revised development plan showing the approved amendment. The revised development plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.
- 3) An amendment to an approved PUD that cannot be processed by the Zoning Administrator under subsection 1) above shall be processed in the same manner as the original PUD application.

N. *Expiration of Approved PUD; Extension.*

- 1) An approved PUD shall expire one (1) year following final approval by the Planning Commission, unless substantial construction has begun on the PUD project prior to that time or the property owner applies to the Planning Commission for an extension prior to the expiration of the PUD. The Planning Commission may grant one (1) extension of an approved PUD for an additional one (1) year period if it finds:
 - (a) The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner; and
 - (b) The PUD requirements and standards that are reasonably related to the development have not changed.
- 2) If the PUD approval expires pursuant to subsection 1) above, no work pursuant to the PUD plan may be undertaken on the project until a new PUD approval is obtained from the Planning Commission following the procedures for a new PUD application. In addition, if the PUD approval expires, the property shall again be subject to the zoning classification of the property which existed prior to the PUD approval as if no PUD approval had ever been granted.

O. *Performance Guarantee.*

The Planning Commission may require the applicant to obtain and maintain a performance guarantee in connection with the PUD project, pursuant to **Section 10.06** of this Ordinance.

Section 8.19A Stream Corridor Planned Unit Development (SC-PUD)¹

1. Intent and Purpose

The intent and purpose of the Stream Corridor Planned Unit Development (SC- PUD) are the same as expressed in Section 8.19.1 for a PUD, but with less restrictive regulations.

2. Scope

All of the regulations and procedures specified in Section 8.19 for a PUD shall apply in a SC-PUD, except as provided in this Section.

3. Eligibility

To be eligible for a SC-PUD the property on which the development will be located shall comply with all of the following:

- A. The property or a portion of the property to be developed shall be within the Stream Corridor Overlay District (SC).
- B. The property shall be a single lot or contiguous lots under common ownership or control.
- C. The property shall be no less than 8.0 acres in area.

4. Authorized Uses

The following uses shall be permitted in and the following use regulations shall apply within a SC-PUD:

- A. All uses allowed by right in the SC district may be established and may be located on the property to be developed, either within or outside the SC district.
- B. All uses allowed by right or by special use permit in the underlying zoning district may be established, but shall only be located on the property to be developed outside the SC district.
- C. If the underlying zoning district for the property is Farm Forest (FF), then retail sales uses may be established on the property to be developed, provided all of the following requirements are met;
 - 1) The retail sales use shall be directly related to the use and enjoyment of the river, including but not limited to, bait shops, canoe sales, and canoe accessory sales. It is the express intent of this requirement not to authorize general retail sales uses within a SC-PUD.

¹ Amended on April 11, 2017; Effective on April 28, 2017

- 2) The use shall be located on the property to be developed outside the SC district.
- 3) The land area devoted to the retail sales use, including parking areas, shall be no more than twenty percent (20%) of the land area of the entire property to be developed.

5. Area Regulations

Except as provided in this subsection, the property to be developed as a SC- PUD shall comply with the area regulations specified in Section 8.19.2.B of this Ordinance.

- A. There shall be no open space requirement in a SC-PUD.
- B. Any reduction in the lot area requirement under Section 8.19.2.B 4) shall be no less than 20,000 square feet, or the minimum lot area of the underlying zoning district, whichever is less.
- C. Any reduction in the lot width requirement under Section 8.19.2.B 4) shall be no less than 100 feet, or the minimum lot width of the underlying zoning district, whichever is less.

6. Standards for Approval; Conditions

- A. Except as provided herein, a SC-PUD shall be approved when the Planning Commission finds that the standards for PUD approval in Section 8.19.2.I have been met; provided, however, the Planning Commission may waive any of the standards for PUD approval when it finds that those standards are not applicable to the proposed SC-PUD.
- B. The Planning Commission may impose reasonable conditions with the approval of a SC-PUD final site plan, pursuant to Section 10.03 of this Ordinance.

Section 8.20 Public Buildings and Institutions

Public buildings (except public works garages and storage yards), public schools, private schools and their local supporting service uses, provided:

1. The arrangement of property uses shall consider the impact on scenic views, and if feasible, the site design shall endeavor to mitigate negative impacts related to building size, noise, lighting and traffic.
2. No such use shall locate on or have vehicle access from a subdivision street unless the subdivision (or similar type of development) contains dedicated sites for such uses.

Any uses of structures or properties for such other secondary purposes as recreation, day care centers, group housing, and the like, shall be separately considered as part of the conditions to granting or denying a special permit in residential districts.

Section 8.21 Race Tracks (including midget auto and cart tracks)

Because race tracks develop a concentration of vehicular traffic and cause noise levels which project beyond the property, race tracks shall be permitted only in the Commercial & Business (CB) and Industrial (I) Districts subject to the following conditions and such other controls as the Planning Commission, after holding a Hearing, deems necessary to promote health, safety and general welfare in the Township:

1. All parking shall be provided as off-street parking within the boundaries of the development.
2. All access to the parking areas shall be provided from major traveled roads. Review and recommendations concerning the ingress and egress points, shall be requested from the sheriff authority having jurisdiction.
3. Minimum size parcel shall be twenty (20) acres. All sides of the development except access points shall be provided with a twenty (20) foot wide greenbelt planting so as to screen from view all activities within the development.
4. The hours of operation shall be between 10 a.m. and 10 p.m.
5. The noise level shall be no more than fifty (50) decibels as measured on the dB(A) scale at the property lines of the site.

Section 8.22 Recreation Camps

Recreation camps, recreation lodges and resorts for either profit or non-profit shall be subject to the following conditions:

1. The use is established on a minimum site of twenty (20) acres.
2. All outdoor activity areas, parking lots, main buildings and accessory buildings are located at least one hundred (100) feet from all property lines. The resulting one hundred (100) foot yard shall be maintained as a buffer area wherein all natural tree/shrub cover is retained in a healthful growing condition. Planted greenbelts may be required by the Planning Commission as deemed necessary.
3. The use does not locate within the confines of a platted subdivision intended for single residential occupancy or parcels which are deemed by the Planning Commission to be logical extension of such a platted area.

Section 8.23 Salvage Yards, metal recycling, and scrap

1. Salvage Yard Classifications

Salvage yards shall be defined and regulated by type or class depending on the scope of its intended operation. These are:

Type I

A full service metal salvage center intended for the collection, storing and/or processing of scrap metals of all kinds, and other materials defined as junk in Article 2 of this Ordinance.

Type II

A limited salvage facility with open storage on less than ten thousand (10,000) square feet of land and where the materials are not stacked. This facility is not a vehicle repair or sales use except as an incidental function to the salvage operation.

Type III

A site used for short periods of time for community vehicle collection programs. This facility does not include continuous processing or repairing, and is intended for annual clean-up programs to collect sufficient materials to warrant a visit by vehicle crusher, shredder, or similar processor.

In approving Special Use Permits for salvage operations the Planning Commission shall classify the facility as being Type I, Type II, and/or Type III, and shall consider the type of a facility in review of any request to modify siting standards.

2. Requirements

Metal recycling centers or yards, or facilities, including salvage yards or scrap yards, and which uses include the storage, dismantling, sorting, cutting, crushing, and/or other processing activities primarily associated with metal goods, may be permitted provided:

- A. All activity and uses are within a defined and confined space as opposed to being dispersed over the site. Only that area designated on the site for these uses shall be permitted to be so used.
- B. No oils, lubricants, or other liquids from vehicles, machinery, or equipment or other materials, shall be disposed of on-site, unless State of Michigan approved facilities are properly in place and properly functioning, and in compliance with **Section 3.17** of this Ordinance. No burial of wastes shall be permitted on the property under this Ordinance section.

The applicant shall state in writing and/or illustrate how potentially hazardous liquids are to be prevented from entering the groundwater, and present a written plan for handling and disposal of such hazardous liquids.

The applicant may be required to provide a written contingency plan for hazardous/toxic spills. The Planning Commission may require a roofed work area with an impervious floor with floor drain collection system.

- C. The proposed site shall have a minimum of six (6) feet of vertical isolation from groundwater, and be at least one thousand (1,000) feet from an identified body of surface water.
- D. Screening devices to include but not necessarily be limited to fences, greenbelts, berms or natural features shall be employed provide maximum visual obscurity of the use. No such device shall be constructed without approval of the structural details and type of materials to be used, and shall adhere to a stated installation schedule.
- E. Entrance/exit points shall give due consideration to minimizing conflicts with adjacent properties, and the views from adjacent properties and/or public roads shall be a major consideration in positioning the use on the property.

- F. Activity that generates continuous and persistent noises or vibrations that are perceptible from off the site shall not be permitted before the hour of 8:00 a.m. or after 6:00 p.m. and no such activity shall operate on Sundays.
- G. Open burning shall not be permitted, except by State Permit, and it shall comply with this subsection.
- H. Once approved, no other portion of the property shall be used for activities regulated herein without an amended site plan and Special Use Permit, and there shall be no presumption that any usage beyond that in the original permit would be approved.
- I. The minimum site size to consider for uses permitted herein shall be thirty-five (35) acres or more by description and have at least nine hundred (900) feet of width and depth throughout. All salvage yard uses shall be at least:
 - 1) Two hundred (200) feet from a property line
 - 2) Three hundred (300) feet from an off premises residence
 - 3) Five hundred (500) feet from a residential district boundary (LDR or MR)
 - 4) The height of stacked metals and/or materials shall be regulated by screening and the physical characteristics of the site, but shall in no instance be higher than twenty (20) feet.

The Planning Commission may modify the terms of this section where it can be demonstrated that no good or practical purposes would be served by strict compliance, and for temporary collection sites to be used for less than twelve (12) months.

3. Reasons for Denial

The Planning Commission may refuse to grant a permit for any salvage uses regulated herein, because of one or more of the following:

- A. The topography is such that the use has wide visual exposure to surrounding properties and public roads, and/or land conditions are such that screening plans would be ineffective or impractical.
- B. There are conflicts with natural water courses and/or there are undesirable impacts on wetlands, farmlands, and forest lands.
- C. It is determined by the Planning Commission that the proposed use on the proposed site is inappropriate for the area, and not in accord with the principles of land use expressed or implied, and in the interpretation of appropriate use shall also consider, but not necessarily be limited to: recognized scenic resources, recreation lands, neighborhoods, historic sites, tourist attractions, and similar uses that would be adversely affected, and not be in the best interests of public welfare.

4. Violations Not Nonconforming

Any salvage yard or junk storage use determined to have been established in violation of the terms of the South Branch Township Zoning Ordinance or in violation of any previously applicable Ordinance shall not be accorded the status of "nonconforming" as defined in this Ordinance, but shall be pursued as Ordinance violations. Such uses, however, shall have the right to apply for a Special Use Permit in compliance with this Ordinance, as prescribed in Article 7.

Section 8.24 Sawmills and other Mills

Sawmills, planing mills, veneer mills and accessory or incidental mill operations involving logs, "unprocessed timber" and/or rough sawn lumber are allowed provided the following standards are met:

1. The use involves the processing of raw timber and/or rough lumber and shall not include retail lumberyard businesses or hardware supplies, paints, and the like. Log and lumber storage uses are permissible accessory uses.
2. The land area of the mill site shall be at least ten (10) acres with a minimum lot width of six hundred and sixty (660) feet.
3. Structures housing mechanical wood cutting devices (head saws, cut-off saws, planers, lathes, etc.), shall not be located closer than five hundred (500) feet to an off-premises residence, unless the owner of the residence signs a statement agreeing to a lesser setback.
4. Log storage and sawn timber or lumber shall not be located nearer than five hundred (500) feet from an off-premises residence unless the owner signs a statement agreeing to a lesser setback.
5. The location of a proposed mill is determined by the Planning Commission to be compatible with other uses in the general vicinity taking into account traffic flow, noise, scenic values, and residential environments where applicable, and any Township or Community Land Use Plans for the area. The mill location shall be determined to be good land use.

In considering applications for forest industries the Planning Commission may permit modifications to the standards in items 1 through 5, where owing to natural or man-made conditions, no good purpose would be served by requiring strict compliance. Such conditions may include, but need not be limited to, steep topography, intensely wooded areas, other natural barriers, existing uses, and the like.

Nothing in this Ordinance shall be interpreted to exclude temporary and itinerant sawmill operations on property where the timber harvesting involves only those resources found on the same property. No permit shall be required where the operation involves a period of less than six (6) months on the same property or zoning lot.

Section 8.25 Sexually Oriented Businesses

The purpose and intent of the sections of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious

objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by township ordinance, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

1. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually oriented business.
2. No sexually oriented business shall be established on a parcel which is within one thousand (1,000) feet of any parcel zoned LDR or MR (residential districts).
3. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence, school, place of worship, public park or civic building.
4. The proposed use shall conform to all specific density and set back regulations, etc. of the Zoning District in which it is located.
5. The proposed use must meet all applicable written and duly promulgated standards of South Branch Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
6. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.
7. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
8. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) "persons under the age of 18 are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."

9. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
10. Hours of operation shall be limited to 8:00 AM to 12:00 AM.
11. All off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes.
12. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - A. Shall be handicap accessible to the extent required by the Americans With Disabilities Act;
 - B. Shall be unobstructed by any door, lock, or other entrance and exit control device;
 - C. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - D. Is illuminated by a light bulb of wattage of no less than twenty-five (25) watts;
 - E. Has no holes or openings in any side or rear walls.

13. Review Procedures for Sexually Oriented Businesses

The Planning Commission shall adhere to the following procedures when reviewing a special use permit application for a sexually oriented business.

- A. If the Planning Commission determines that a special use permit application for a sexually oriented business is not complete when it is first presented to the Planning Commission, it shall provide written notice by first class mail within five (5) business days of said determination detailing the items required to complete the application. Upon payment of a new filing fee, the applicant may resubmit the amended application for review by the Planning Commission for completeness.
- B. If the Planning Commission determines that the application is complete, it shall within sixty (60) days of said determination make and adopt specific findings with respect to whether the proposed sexually oriented business is in compliance with the standards designated in Section 8.25 (1-12). If the Planning Commission has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved or denied the issuance of a special use permit for the same within sixty (60) days of its determination that a completed application has been filed, then the special use permit shall be deemed to have been approved.

- C. Prompt judicial review of adverse determination: If the Planning Commission denies a special use permit application for a sexually oriented business pursuant to the above paragraphs, then the applicant shall be entitled to prompt judicial review by submitting a written request to the Zoning Administrator. The Township shall have within five (5) business days of the receipt of such written notice to do the following:
- 1) File a petition in the Circuit Court for the County of Crawford seeking a judicial determination with respect to the validity of such denial, and in conjunction therewith, apply for a preliminary and permanent injunction restraining the applicant from operating the sexually oriented business in violation of the Township Zoning Ordinance;
 - 2) Request that the application for issuance of a preliminary injunction be set for a show-cause hearing within five (5) business days or as soon thereafter as is possible after the filing of such petition. In the event the applicant appears at or before the time of such show-cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing the Court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the Township shall be required to waive its application for preliminary injunction and shall join in such request.

In the event that the applicant does not waive notice and/or does not request any early hearing on the Township's application for permanent injunction, it shall never the less be the duty of the Township to seek the earliest possible hearing date under Michigan law and the Michigan Court Rules.

The filing of written notice of intent to contest the Planning Commission's denial of a special use permit shall not in any way affect the validity of such denial, but such denial shall be deemed invalid and the special use permit application automatically approved if, within fifteen (15) business days of the filing of the Township's petition, a show-cause hearing has not been scheduled.

Section 8.26 Stables, Commercial

1. Commercial stables shall be on sites of at least twenty (20) acres in size.
2. Commercial facilities for horseback riding shall be subject to the review and approval of the Planning Commission, who shall find that animal housing facilities are located at least three hundred (300) feet from any off-premises residential structure.

Section 8.27 Storage Facilities

1. Storage uses as allowed in the Industrial District (I) and Commercial & Business District (CB), including mini-storage, shall meet the following regulations:
 - A. All proposed storage buildings nearest to the primary access road shall be site planned to be perpendicular to the road; landscape screening may be required by the Planning Commission per subparagraph C. of this section.

- B. Proposed storage buildings are positioned to the rear of other approved non-storage or non-warehousing buildings, e.g., retail or office uses, or, the storage buildings are setback at least one hundred (100) feet from public road right-of-way lines.
 - C. Effective year-round landscaping is required to screen and shield storage buildings from bordering public roads upon installation of proposed plant materials.
 - D. Nothing in this section shall prohibit or inhibit storage space as a necessary accessory use to any principal commercial use of the property, and these standards do not apply to internal roads within a planned industrial or commercial park.
 - E. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all Residential Districts.
2. Storage uses as allowed in the Farm Forest District (FF), shall meet the following regulations:
- A. There shall be no outside storage of items.
 - B. Maintenance activities shall be limited to those which are incidental to the storage of items.
 - C. Storage buildings up to two thousand (2,000) square feet in area are allowed up to two (2) doors under twenty-four (24) square feet in area, and two (2) doors over twenty-four (24) square feet in area. For each additional one thousand (1,000) square feet of building area, one (1) additional door of each size shall be allowed.

Section 8.28 Commercial Telecommunication Towers and Antennae Facilities

Commercial telecommunication towers and masts for cellular phone and other personal or business communications services, television towers, radio towers or wireless communication facilities may be authorized by the Planning Commission. Antenna towers and masts erected and operated as a residential accessory use, and not more than sixty (60) feet in height as measured between the tower's base at grade and its highest point erected, are exempt from the provisions of this Section, but shall be subject to the provisions of Section 3.22.2. In considering authorization of a commercial telecommunication tower or antennae facility, the Planning Commission shall apply the standards of **Article 6 Site Plan Review**, and the following standards:

- 1. The applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the tower. The applicant, its agents, successors, and assigns shall report to the Planning Commission any changes in the legal ownership of the tower within thirty (30) days of the effective date of the change.

2. The application for special use approval for the tower shall include a visual impact analysis, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.
3. A cellular phone or other personal and business communications services antenna tower shall be exempt from building height limits established by Zoning District regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions.
4. Wireless communication support structures located in the Low Density Residential (LDR) or Mixed Residential (MR) Zoning Districts shall not exceed one hundred fifteen (115) feet and no lights shall be permitted.
5. Documentation shall be provided whether or not it is feasible to provide equivalent service by locating the antenna on an existing tower or other existing structure in the Township, or on an existing tower or other existing structure located in neighboring communities.
6. The tower and any ancillary building housing equipment needed for operation of the tower shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.
7. The applicant shall provide documentation of any lighting to be installed on the tower. If tower lighting is required or proposed, the tower may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area. If lighting is required, a blinking light is preferred to a light that is constantly on.
8. Monopole structures are encouraged. Towers shall be either painted or have a galvanized finish so as to be as unobtrusive as possible. The painting of towers less than five hundred (500) feet in height in alternate bands of orange and white shall be permitted only if specifically required by Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) regulations. If alternate band painting is required by FCC or FAA regulations, the applicant shall provide documentation of such requirements and regulations.
9. Anti-climbing devices or strategies shall be incorporated.
10. The applicant shall provide documentation of conformance with any Federal Communications Commission and Federal Aviation Administration regulations.
11. The owner/operator of the tower shall agree to permit use of the tower by other personal or business communications services providers, including local government agencies, on reasonable terms, so long as such use does not interfere with the owner/operator's reasonable use of the tower.

12. As a condition of approval, the Planning Commission may require an owner to deposit funds in escrow with the Township, or provide an insurance bond satisfactory to the Township's Attorney to assure the removal of towers and masts as prescribed in this Section. If required, such escrow deposit or insurance bond shall be in an amount equal to one and one-quarter (1.25) times the estimated cost of removal of the tower at the time of approval. Such escrow deposit or bond shall be maintained by successor owners.
13. If the tower ceases operation for its original use or is abandoned for any reason, the Township may order its removal from the site by the owner of the tower within three (3) months of notification by the Township.
14. If the height required for the tower to serve its intended function decreases from the installed height due to technological advancement, additional tower installations at other locations, or other factors, the Township may order that the tower be lowered to such decreased minimum height.
15. The tower and any supporting or appurtenant structures shall be no closer to any dwelling than the distance equal to the height of the tower measured from its base at grade to its highest point of elevation, and shall not be located within two hundred (200) feet of the ordinary high water mark of any lake or river.
16. The Zoning Board of Appeals shall have no jurisdiction over a decision made by the Planning Commission to approve, approve with conditions, or deny an application for special use approval to erect and maintain cellular phone and other personal and business communications antenna towers.

Section 8.29 Wholesale Uses

Wholesale uses, such as distribution centers, with accessory storage space, but not warehousing, provided:

1. All incident or accessory storage is within the confines of an enclosed building. Wholesale uses shall also include space for administrative offices, customer service, and interior display.
2. Any loading docks or semi-trailer sized overhead doors shall not face upon a public road, or if no practical option is demonstrated, loading doors shall be set back at least seventy (70) feet from the front line or be structurally obscured from view.
3. Wholesale uses shall not occupy property bordering lakes, or rivers as defined by Act 451 of 1994, the Natural Resources and Environmental Protection Act.
4. Sites proposed for wholesale uses may be rejected by the Planning Commission based on a determination that the use is improper or out of character with adjoining uses by reason of:
 - A. Breaking the continuity of a planned retail shopping center.
 - B. Having direct visual exposure to tourist lodging facilities or other uses serving tourist markets.

- C. Sharing common road frontage with residential uses.

Section 8.30 Wind Turbine Generators and Anemometer Towers

Unless otherwise provided, commercial wind turbine generators and anemometer towers shall comply with all of the following standards:

1. Sufficient Wind Resources

The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbine generator; provided, however, this standard shall not apply to an anemometer tower. No wind turbine generator shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one year. Said study shall indicate the long term commercial economic viability of the project. The Township may retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for special use permit.

2. Minimum Site Area

The minimum site area for a wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall be as necessary to meet required setbacks and any other standards of this Ordinance.

3. Setbacks

Each proposed wind turbine generator or anemometer tower shall meet the following applicable setback requirements:

A. Each wind turbine generator shall be set back from any adjoining lot line a distance equal to one and one-half (1.5) times the total height of the WTG. The Planning Commission may reduce this setback to no less than one hundred (100) feet; provided the adjoining property is owned by the applicant or an easement is obtained. The amount of setback relief approved by the Planning Commission will be based on data provided by the applicant and prepared by a qualified professional. Such data shall satisfy the Planning Commission that any potential blade and ice throw will not cross the property line and that sound levels will not exceed fifty (50) decibels on the dB(A) scale at the property line from the proposed setback. Data provided shall be specific to the proposed tower in the proposed location taking into consideration prevailing winds, topography, existing vegetation, and other relevant factors.

B. In addition to the above, a wind turbine generator shall, in all cases, be set back from a public or private road right-of-way or existing easement a minimum distance equal to one and one-half (1.5) times the height of the wind turbine generator tower as defined in this Ordinance.

C. For any newly proposed wind turbine generator or anemometer tower, a “wind access buffer” equal to a minimum of five (5) rotor diameters shall be observed from any existing off-site wind turbine generator tower, based on the average rotor diameter between the existing and proposed WTG.

4. Maximum Height

- A. The maximum wind turbine generator height or the height of an anemometer tower erected prior to the wind turbine generator shall be three hundred (300) feet, inclusive of blade at the maximum vertical position.
 - B. The Planning Commission may approve an increased height for a wind turbine generator tower or an anemometer tower if all of the following conditions are met:
 - 1) The increased height will result in the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity.
 - 2) The increased height is the minimum necessary to achieve a reasonable rate of return on the operation of the wind turbine generator given the documented wind speeds and other site conditions. A reasonable rate of return is not equivalent to maximizing economic return to the operator, as determined by the Planning Commission or a qualified professional hired by the Township. The Planning Commission shall not grant the increased height if economic return is not met due to the use of inefficient equipment that does not utilize current commercial technologies.
 - 3) The increased height will not result in increased intensity on lighting of the tower due to FAA or MAC requirements.
5. Minimum Rotor Wind Vane or Blade Clearance. The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than fifteen (15) feet above grade.
 6. Maximum Noise Levels. Any proposed wind turbine generator shall result in the production of cumulative sound levels that are no more than fifty (50) decibels as measured on the dB(A) scale at the property lines of the site in question.
 7. Maximum Vibrations. Any proposed wind turbine generator shall not produce vibrations through the ground humanly perceptible beyond the property on which it is located.
 8. Interference with Residential Reception. Any wind turbine generators shall be constructed and operated so that they do not interfere with television, microwave, navigational or radio reception to neighboring areas.
 9. Landscaping. Each proposed wind turbine generator shall meet the following landscaping requirements; provided, however, the Planning Commission may reduce or waive such requirements if it finds that because of the remote location of the site, or other factors, the visual impact of the wind turbine generator would be minimal.
 - A. The base of the wind turbine generator shall be landscaped with a buffer of plant materials that effectively screens the view of the bases of these facilities from adjacent property used for residential purposes. The standard buffer shall consist of a landscaped strip at least four (4') feet wide outside the perimeter of the facilities.
 - B. Existing natural land forms on the site which effectively screens the base of the wind turbine generator or anemometer tower erected prior to a wind turbine generator from adjacent property used for residential purposes shall be preserved to the maximum extent possible.

- 1) Landscaping shall be designed to counter the effects of “shadow flicker” on any neighboring residences or roadways caused by the rotor rotation in the sunlight.
 - 2) To ensure compliance with these landscaping standards, the Planning Commission may require additional landscaping on the site after the installation of the wind turbine generator.
10. State or Federal Requirements. Any proposed wind turbine generator anemometer tower shall meet or exceed any standards and regulations of the Federal Aviation Administration (FAA), Michigan Aeronautics Commission (MAC), the Michigan Public Service Commission, National Electric Safety Code, and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the special use permit is approved.
11. Soil Conditions. A proposal for any wind turbine generator or anemometer tower shall be accompanied by a report of the soils present on the site based on soil borings, and a description of the proposed foundation size, materials, and depth. The top of such a foundation shall be installed to a depth of five (5) feet below grade, to allow for feasible future reuse of the land unless the applicant provides a financial assurance that the foundation will be removed in the event that the tower is removed.
12. Aesthetics and Lighting. Any proposed wind turbine generator or anemometer tower shall meet the following requirements:
- A. Each wind turbine generator or anemometer tower shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA and MAC, be painted a neutral color so as to reduce visual obtrusiveness.
 - B. Each wind turbine generator, including all accessory structures or anemometer tower shall, to the extent possible, use materials, and colors that will blend them into the natural setting and surrounding buildings. A medium grey shade is the preferred color for any wind generator or anemometer tower; however, the Planning Commission may approve an alternate color if the facility is suspected to be located within an avian migratory route or if an alternate color would otherwise benefit the community.
 - C. Each wind turbine generator or anemometer tower shall not be artificially lighted, unless required by the FAA, MAC or other applicable governmental authority. If lighting is required, the lighting alternatives and design chosen:
 - 1) Shall be the intensity required under FAA or MAC regulations.
 - 2) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by the FAA or MAC. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to the FAA or MAC.
 - 3) May be a red top light that does not pulsate or blink.
 - 4) All tower lighting required by the FAA or MAC shall be shielded to the extent possible and acceptable to the FAA or MAC to reduce glare and visibility from the ground.
 - 5) Each wind turbine generator or anemometer tower shall be sited on the property in a location that reduces to the maximum extent possible any adverse impacts on significant view corridors from adjacent properties,

while at the same time maintaining contact with economically viable wind resources.

- 6) Each wind turbine generator or anemometer tower shall be a monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires.
13. Sign. A sign no more than four (4) square feet in area displaying an address and telephone number for emergency calls and informational inquires shall be posted at the proposed wind turbine generator or anemometer tower. No wind turbine generator tower or anemometer tower or site shall include any advertising sign.
14. Hazard Planning. An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall address the following at a minimum:
 - A. Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose a fire hazard.
 - B. The landscape plan accompanying the application shall be designed to avoid spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site.
 - C. The following shall be submitted with the application for a special use permit for a wind turbine generator:
 - 1) A listing of any hazardous fluids that may be used on site shall be provided, including Material Safety Data Sheets (MSDS).
 - 2) Certification shall be provided that the turbine has been designed to contain any hazardous fluids.
 - 3) A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.
 - 4) A Hazardous Materials Waste Plan shall be provided.
15. Approvals. All required approvals from other local, regional, state or federal agencies must be obtained prior to submittal of a site plan, and such approvals shall be submitted as part of the required site plan for Planning Commission consideration.
16. Removal of Abandoned Wind Turbine Generators or Anemometer Towers.
 - A. Wind production summary reports by month shall be provided annually for each WTG to the Township Planning Commission and the Township Clerk, by January 31st each year, for the preceding year.
 - B. Any wind turbine generator or anemometer tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such wind turbine generator or anemometer tower shall remove the same within one hundred eighty (180) days of receipt of notice from the Township of such abandonment. In addition to removing the wind turbine generator, or anemometer tower, the owner shall restore the site of the wind turbine generator or anemometer tower to its original condition prior to location of the wind turbine generator or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind generator or anemometer tower shall be removed to a minimum depth of five (5) feet below the final grade and

site vegetation shall be restored. Failure to remove an abandoned wind turbine generator or anemometer tower within the one hundred eighty (180) day period provided in this subsection shall be grounds for the Township to remove the wind turbine generator or anemometer tower at the owner's expense. The Planning Commission shall require the applicant to file an irrevocable bond equal to the reasonable cost (including adjustment for inflation) of removing the wind turbine generator or anemometer tower and attendant accessory structures as a condition of a special use permit given pursuant to this section.

Article 9: Zoning Board of Appeals

South Branch Township

Section 9.01 Zoning Board of Appeals Creation and Membership

The Zoning Board of Appeals (ZBA) shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act 110, of Public Acts of 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done. This Board shall consist of five (5) members, appointed by the Township Board.

1. The first member shall be a member of the Township Planning Commission for the terms of his/her office.
2. The remaining members must be selected from the electors of the Township residing outside of incorporated cities and villages and shall be representative of the population distribution and of the various interests present in the Township. One (1) member may be a member of the Township Board.
3. An elected officer of the Township shall not serve as chairman. An employee or contractor of the Township Board may not serve as a member or an employee of the Zoning Board of Appeals.
4. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

Section 9.02 Meetings

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as such Board may determine or specify in its rules of procedure. All hearings conducted by said ZBA shall be open to the public. The Zoning Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the office of the Township Clerk, and shall be a public record. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation of this Ordinance.

The Zoning Board of Appeals shall not conduct business unless a majority of the Board of Appeals regular members are present.

Section 9.03 Jurisdiction

1. An appeal concerning the administration of the provisions of this Ordinance may be taken to the Zoning Board of Appeals within the timeframe defined in the general rules and procedures adopted by the Zoning Board of Appeals. If such a timeframe is not specified, appeals shall be filed within thirty (30) days of the decision of the Zoning Administrator from which the appellant seeks relief.
2. The ZBA may hear appeals made by any person who alleges he or she has been aggrieved by a decision of the Zoning Administrator, except for Zoning Administrator decisions regarding enforcement of this Ordinance.
3. The ZBA may grant variances as provided for in **Section 9.07 Variances**.
4. The ZBA may also interpret the location of Zoning District boundaries and may interpret the provisions of this Ordinance.
5. When the proposed use of land or use of a structure is not specified in this Ordinance, the Zoning Board of Appeals shall have the power upon written request of the property owner or Zoning Administrator to classify the unlisted property use. In determining the proper classification of an unlisted property use, the Zoning Board of Appeals shall consider the characteristics of the proposed unlisted property use in relation to similar and comparable uses listed in any Zoning District and in relation to the requirements of the Township Master Plan. Once classified, the unlisted property use is subject to all applicable regulations pertaining to similar uses in the Zoning District in which placed, including the regulations pertaining to uses subject to special use permit approval, if classified as such a use by the Zoning Board of Appeals.
6. An appeal may be made by any person, firm or corporation, or by any Officer, Department or Board of the Township. The appellant shall file with the Zoning Board of Appeals, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds for the appeal.
7. The Zoning Administrator shall transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The final decision of such appeal shall be in the form of a resolution either reversing, modifying or affirming, wholly or partly, the decision or determination appealed from. Reasons for the decision must be stated.
8. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.
9. The Zoning Board of Appeals has no jurisdiction to hear appeals from Planning Commission decisions concerning special use permit or planned unit developments.

Section 9.04 Exercising Power

In exercising the above powers, the Zoning Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

Section 9.05 Application requirements

The applicant shall submit seven (7) copies of a completed application, with associated fee, surveys, plans and data as required under Article 6: Site Plan Review, or other information deemed reasonably necessary for making any informed decision on his or her appeal, not less than thirty-one (31) days prior to the date of the hearing.

Section 9.06 Notice Requirements for Zoning Board of Appeals Public Hearings

The notices for all public hearings before the Zoning Board of Appeals concerning appeals, interpretations, and variances shall comply with all of the following applicable provisions:

1. For an appeal or a request for an interpretation, the notice shall comply with all of the following:
 - A. The content of the notice shall include all of the following information:
 - 1) A description of the nature of the appeal or interpretation request.
 - 2) If the appeal or interpretation request involves a specific parcel, then the notice shall describe the property involved. The notice shall also include a listing of all existing street addresses within the property. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property. If there are no such street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property.
 - 3) The time, date, and place the appeal or interpretation request will be considered.
 - 4) The address where written comments will be received concerning the appeal or interpretation request, and the deadline by which such comments must be received.
 - B. The notice shall be published in a newspaper of general circulation within the Township not less than 15 days before the scheduled public hearing.
 - C. The notice shall be sent by first-class mail or personal delivery to the person filing the appeal or requesting the interpretation and, if the appeal or interpretation request involves a specific parcel, to the owners of the property involved not less than 15 days before the scheduled public hearing.
 - D. If the appeal or interpretation request involves a specific parcel, then the notice shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the subject property and to the occupants of all structures within 300 feet of the subject property. Such notice shall be provided not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the Township. If the name of the occupant or tenant is not known, the term "occupant" may be used in making notification under this subsection.
2. For a variance request, the notice shall comply with all of the following:
 - A. The content of the notice shall include all of the following information:

- 1) A description of the nature of the variance request.
 - 2) A description of the property on which the requested variance will apply. The notice shall also include a listing of all existing street addresses within the property. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property.
 - 3) The time, date, and place the variance request will be considered.
 - 4) The address where and the deadline when written comments will be received concerning the variance request.
- B. The notice shall be published in a newspaper of general circulation within the Township not less than 15 days before the scheduled public hearing.
- C. The notice shall be sent by first-class mail or personal delivery to the owners of the property seeking the variance not less than 15 days before the scheduled public hearing.
- D. Then notice shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property on which the requested variance will apply and to the occupants of all structures within 300 feet of the property to which the requested variance will apply not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the Township. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
3. After providing the notice required under this section and without further notice, except that as required under the Open Meetings Act, the Zoning Board of Appeals may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date, and place of the continued public hearing.

Section 9.07 Variances

The ZBA may grant dimensional variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:

1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.
2. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).

3. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
4. The requested variance is the smallest variance needed to grant the applicant substantial relief from the dimensional regulation of the zoning ordinance from which the variance is being requested.
5. That the requested variance will not cause an unreasonable and/or increased adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or Zoning District.

Section 9.08 Conditions of Approval

The ZBA may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area, as provided for in **Section 10.03 Conditions**.

Section 9.09 Expiration of ZBA Approvals

No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and substantial construction has occurred.

Section 9.10 Reapplication

No application for a variance, interpretation, or appeal which has been decided, in whole or in part, by the Zoning Board of Appeals shall be re-submitted for a period of one (1) year from the date of such decision, unless a rehearing is granted pursuant to **Section 10.04** of this Ordinance.

Section 9.11 Stay

An administrative appeal to the Zoning Board of Appeals and an appeal of a decision by the Zoning Board of Appeals to Circuit Court stays all proceedings of the action appealed from, including the effectiveness of any zoning permit issued, unless the Zoning Administrator certifies to the Zoning Board of Appeals after such appeal has been filed that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, unless ordered stayed by the Zoning Board of Appeals or the Circuit Court.

Article 10: Administration and Enforcement of Ordinance

South Branch Township

Section 10.01 Zoning Administrator

The provisions of this Ordinance shall be administered and enforced by a Township Zoning Administrator, appointed by the Township Board of Trustees for such term and subject to such conditions and at such rate of compensation as said Board shall determine as reasonable.

The Zoning Administrator shall have the power to grant Zoning Permits and to make inspections of buildings or premises necessary to carry out the duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any Permits for the excavation or construction until such plans have been inspected in detail and found to conform to this Ordinance.

The Zoning Administrator shall under no circumstances be permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out the duties of Zoning Administrator.

The Zoning Administrator shall not refuse to issue a Permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements that may occur upon the granting of said Permit.

Section 10.02 Zoning Permit

1. No building or structure subject to the provisions of this Ordinance shall hereafter be erected, structurally altered, reconstructed, used, or moved, nor shall any associated excavation or filling of land commence until a Zoning Permit application, including a Firewise audit, has been filed with the Township Zoning Administrator and a Zoning Permit has been issued by the Zoning Administrator, except as otherwise permitted for in this Ordinance. No Zoning Permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance. No Zoning permit shall be required for an accessory structure less than two hundred (200) square feet in size; except when located in the Stream Corridor Overlay, as provided for Section 5.07 of this Ordinance.
2. The application shall be signed by the owner of the premises or his agent and shall certify that all provisions of this Ordinance and other applicable laws and requirements are to be complied with. Any application requiring approval from the Planning Commission must be submitted not less than thirty-one (31) days prior to a scheduled meeting for consideration at that Planning Commission meeting. The application shall be accompanied by:
 - A. A site plan, if required, or a sketch in duplicate, in a scale sufficient to clearly detail as determined by the Zoning Administrator, the location and dimensions of the premises including the boundary lines of all parcels of land under separate ownership contained therein; the size, dimensions, location on the premises, and height of all buildings, structures or other impervious surfaces in existence, to be erected and/or altered; the width and alignment of all abutting streets, highways, alleys, utility locations, easements and public open spaces; the front yard dimensions of the nearest building on both sides of the proposed building or

structure; the location and dimensions of sewage disposal facilities both on adjoining land or lots and those to be erected on the lot under consideration; and the location of all wells on adjoining lands or lots and those to be erected on the lot under consideration.

- B. Properties under two (2) acres in size may be required to submit a legal survey, sealed by a professional surveyor (not a mortgage survey). The Zoning Administrator shall have the authority to require such a survey in the cases where there may be encroachment on the setbacks by the proposed structures or when the exact locations of lot lines are not known.
 - C. Copies of permits or waivers of permits by other agencies as may be required by statute and/or by the Zoning Administrator of this Ordinance.
 - D. Such other information as may be required to determine compliance with the Ordinance.
3. A Zoning Permit shall not be issued until all other necessary permits required by statute have been obtained or waived with exception of those permits issued by the Crawford County Building Department.
 4. The location of the property boundaries and all structures shall be staked on the ground for Zoning Administrator approval prior to the issuance of the Zoning Permit.
 5. Any Zoning Permit under which substantial construction has not started or if no substantial construction has been done in the furtherance of the zoning permit, the zoning permit shall expire after twelve (12) months from date of issuance.
 6. The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with the provisions of the Ordinance, or in the case of a false statement or misrepresentation made in the application. The owner shall be notified of such revocation in writing.
 7. No Zoning Permit shall be valid until the required fees have been paid. Except for an accessory building or structure less than two hundred (200) square feet in size (which does not require a zoning permit pursuant to **Section 10.02.1** of this Ordinance), no separate fee shall be required for accessory buildings or structures when part of the application for the principal building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Township Board of Trustees.
 8. Upon issuance of the Zoning Permit, a copy of the permit and the application, including any drawings shall be transmitted to the Township Assessor.

Section 10.03 Conditions

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under their jurisdiction. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity

will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

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

Section 10.04 Rehearing Process

1. Final Decisions: Except as provided in this section, a decision of the Planning Commission or Zoning Board of Appeals shall be final. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
 - A. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
 - B. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.
 - C. The Township Attorney, by written opinion, states that in the Attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.
2. Rehearing Procedure: A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.
 - A. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
 - B. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been

prejudiced by any delay.

- C. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicants' last known address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a meeting at which it considers whether to grant a rehearing.
- D. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all applicable notice requirements have been satisfied.

Section 10.05 Fees

- 1. To assist in defraying the costs of investigating, reviewing and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees, such as those fees related to the following:
 - A. Zoning permits.
 - B. Special land use permits.
 - C. Ordinance interpretations by the Zoning Board of Appeals: appeals of administrative interpretation or request for interpretation. Appeals and requests for interpretation initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 - D. Classification of unlisted property uses.
 - E. Requests to change a non-conforming use to another non-conforming use.
 - F. Requests for variances from the Zoning Board of Appeals.
 - G. Requests for rezoning of property by individual property owners or amendments to the Zoning Ordinance text. Rezoning of property or text amendments initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 - H. Site plan reviews.
 - I. Requests for a planned unit development (PUD).

- J. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.

The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.

2. If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary or advisable, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten (10%) percent of the initial escrow deposit or less than ten (10%) percent of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

Section 10.06 Performance Guarantee

In connection with the construction of improvements through site plan approval, special land use approval, or a PUD project, the Planning Commission may require the applicant to furnish the Township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean by way of example and not limitation roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the development. For purposes of this section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and

related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the Township Clerk at or before the time the Township issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the Township Clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

1. One-third of the cash deposit after completion of one-third of the public and site improvements;
2. Two-thirds of the cash deposit after completion of two-thirds of the public and site improvements; and
3. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this section for each phase of the development. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the Township as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this section.

Section 10.07 Violations and Penalties

Section 10.07.1 Nuisance per se

Any land, dwellings, buildings or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.

Section 10.07.2 Inspection

The Zoning Administrator shall have the duty to investigate each alleged violation and shall also have the right to inspect any property for which a zoning permit has been issued to ensure compliance with the plans and conditions of the zoning permit or approved site plan.

Section 10.07.3 Penalties

1. Any person, partnership, limited liability company, corporation, association or other entity who creates or maintains a nuisance per se or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Every day that such violation continues may constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this

section shall exempt the offender from compliance with provisions of this Ordinance or prohibit the Township from seeking additional and/or equitable relief from any court to ensure compliance with the provisions of this Ordinance.

2. The Township Zoning Administrator is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court. The Township Board may also designate from time to time other officials to issue municipal infraction citations on behalf of the Township in connection with alleged violations of this Ordinance.
3. In addition to or in lieu of enforcing this Ordinance, as a municipal civil infraction, the Township may initiate proceedings in any court of competent jurisdiction to abate, eliminate, or enjoin the nuisance per se or any other violation of this Ordinance.

Section 10.07.4 Stop Work Order

If construction or land uses are being undertaken contrary to a zoning permit, the Michigan Zoning Enabling Act, or this Ordinance, the Zoning Administrator or Deputy of the Zoning Administrator or any other official authorized by the Township Board is authorized to post a stop work order on the property at a suitable location, such as at an entrance, in order to prevent the work or activity from proceeding in violation of the Ordinance.

A person shall not continue, or cause or allow to be continued, construction or uses in a violation of a stop work order, except with permission of the enforcing agency to abate a dangerous condition or remove the violation, or except by court order. If an order to stop work is not obeyed, the enforcing agency may apply to the circuit court for an order enjoining the violation of the stop work order. This remedy is in addition to, and not in limitation of, any other remedy provided by law or ordinance, and does not prevent criminal or civil prosecution for failure to obey the order.

Section 10.08 Conflicting Regulations

In the interpretation of this Ordinance, this Ordinance shall control unless there exists a conflict with any other Township Ordinances, in which case the more stringent regulations will rule.

Article 11: Adoption and Amendments

South Branch Township

Section 11.01 Amendment to this Ordinance

1. The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended.
 - A. The regulations and provisions stated in the text of this Ordinance and the boundaries of Zoning Districts shown on the South Branch Township Zoning Map may be amended, supplemented or changed by action of the Township Board following a recommendation from the Township Planning Commission.
 - B. Proposals for amendments, supplements or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment.
 - C. The procedure to be followed for initiating and processing an amendment shall be as follows:
 - 1) Each petition by one (1) or more persons for an amendment shall be submitted by application to the Zoning Administrator on a standard form provided and shall be accompanied by the fee as prescribed by the Township Board. No part of such fee shall be returnable to a petitioner if the public hearing is held.
 - 2) The Zoning Administrator shall notify, in writing, the Township Clerk and Chair of the Planning Commission at or before the time he or she transmits the amendment request to the Planning Commission.
 - 3) The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
 - 4) Before ruling on any proposal the Planning Commission shall conduct at least one (1) public hearing, notice of which shall be provided as specified in **Section 11.02** of this Ordinance.
 - 5) The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.
 - (a) Is the proposed rezoning consistent with the South Branch Township Master Plan?
 - (b) Is the proposed rezoning reasonably consistent with surrounding uses?
 - (c) Will there be an adverse physical impact on surrounding properties?
 - (d) Will there be an adverse effect on property values in the adjacent area?
 - (e) Have there been changes in land use or other conditions in the immediate area or in the community in general which justify

- rezoning?
- (f) Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
 - (g) Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
 - (h) Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
 - (i) Is the rezoning in conflict with the planned use for the property as reflected in the Land Use Plan?
 - (j) Is the site served by adequate public facilities or is the petitioner able to provide them?
 - (k) Are there sites nearby already properly zoned that can be used for the intended purposes?
 - (l) The community should evaluate whether other local remedies are available.
- 6) Following the public hearing the Planning Commission shall submit the proposed amendment including any Zoning Map changes to the County Planning Commission. If the recommendation of the County Planning Commission has not been received within thirty (30) days after the receipt of the Ordinance by the County, it shall be conclusively presumed that the County has waived its right for review.
 - 7) The Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing.
 - 8) The Township Board may hold additional public hearings if they decide it is necessary. Notice of such hearing shall be provided in accordance with **Section 11.02** of this Ordinance.
 - 9) Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect eight (8) days after publication or at a later date as may be specified by the Township Board at the time of adoption.
 - 10) No application for a rezoning which has been denied by the Township shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found valid upon inspection by the Township Planning Commission.

Section 11.02 Public Hearing Notice Requirements for Zoning Ordinance Amendments

The notices for all public hearings before the Planning Commission or Township Board concerning proposed Zoning Ordinance amendments (zoning text or map amendments) shall comply with the following applicable notice provisions:

- 1. For a proposed amendment to the text of the Zoning Ordinance, the notice shall comply with all of the following:

- A. The content of the notice shall include all of the following information:
 - 1) A description of the nature of the proposed Zoning Ordinance amendment.
 - 2) The time, date, and place the proposed Zoning Ordinance will be considered.
 - 3) The places and times at which the proposed Zoning Ordinance amendment may be examined.
 - 4) The address where and the deadline when written comments will be received concerning the proposed Zoning Ordinance amendment.

 - B. The notice shall be published in a newspaper of general circulation within the Township not less than 15 days before the scheduled public hearing.

 - C. The notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing.
2. For a proposed Zoning Ordinance amendment rezoning an individual property or 10 or fewer adjacent properties, the notice shall comply with all of the following:
- A. The content of the notice shall include all of the following information:
 - 1) A description of the nature of the proposed Zoning Ordinance amendment.
 - 2) A description of the property or properties proposed for rezoning. The notice shall include a listing of all existing street addresses within the property or properties. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property or properties. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property or properties.
 - 3) The time, date, and place the proposed Zoning Ordinance amendment will be considered.
 - 4) The places and times at which the proposed Zoning Ordinance amendment may be examined.
 - 5) The address where and the deadline when written comments will be received concerning the proposed Zoning Ordinance amendment.

 - B. The notice shall be published in a newspaper of general circulation within the Township not less than 15 days before the scheduled public hearing.

 - C. The notice shall be sent by first-class mail or personal delivery to the owners of the property or properties proposed for rezoning not less than 15 days before the scheduled public hearing.

 - D. The notice shall also be send first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property or properties

proposed for rezoning and to the occupants of all structures within 300 feet of the property or properties proposed for rezoning not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the Township. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

- E. The notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing.
3. For a proposed Zoning Ordinance amendment rezoning 11 or more adjacent properties, the notice shall comply with all of the following:
- A. The content of the notice shall include all of the following information:
 - 1) A description of the nature of the proposed Zoning Ordinance amendment.
 - 2) The time, date, and place the proposed Zoning Ordinance will be considered.
 - 3) The places and times at which the proposed Zoning Ordinance amendment may be examined.
 - 4) The address where and the deadline when written comments can be sent concerning the proposed Zoning Ordinance amendment.
 - B. The notice shall be published in a newspaper of general circulation within the Township not less than 15 days before the scheduled public hearing.
 - C. The notice shall be sent by first-class mail or personal delivery to the owners of the property or properties proposed for rezoning not less than 15 days before the scheduled public hearing.
 - D. The notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing.
4. After providing the notice required under this section and without further notice, except that as required under the Open Meetings Act, the Planning Commission may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date, and place of the continued public hearing.

Section 11.03 Enactment and Effective Date

- 1. This Ordinance was adopted on March 11, 2008 by the South Branch Township Board of Trustees and will be effective March 28, 2008. The foregoing Zoning Ordinance and Zoning Map were presented at two public hearings before the Planning Commission on May 3, 2007 and May 31, 2007.

2. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective eight (8) days after publication, or a specified later date, of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with Michigan Zoning Enabling Act, Act 110 of Public Acts of 2006, as amended.

