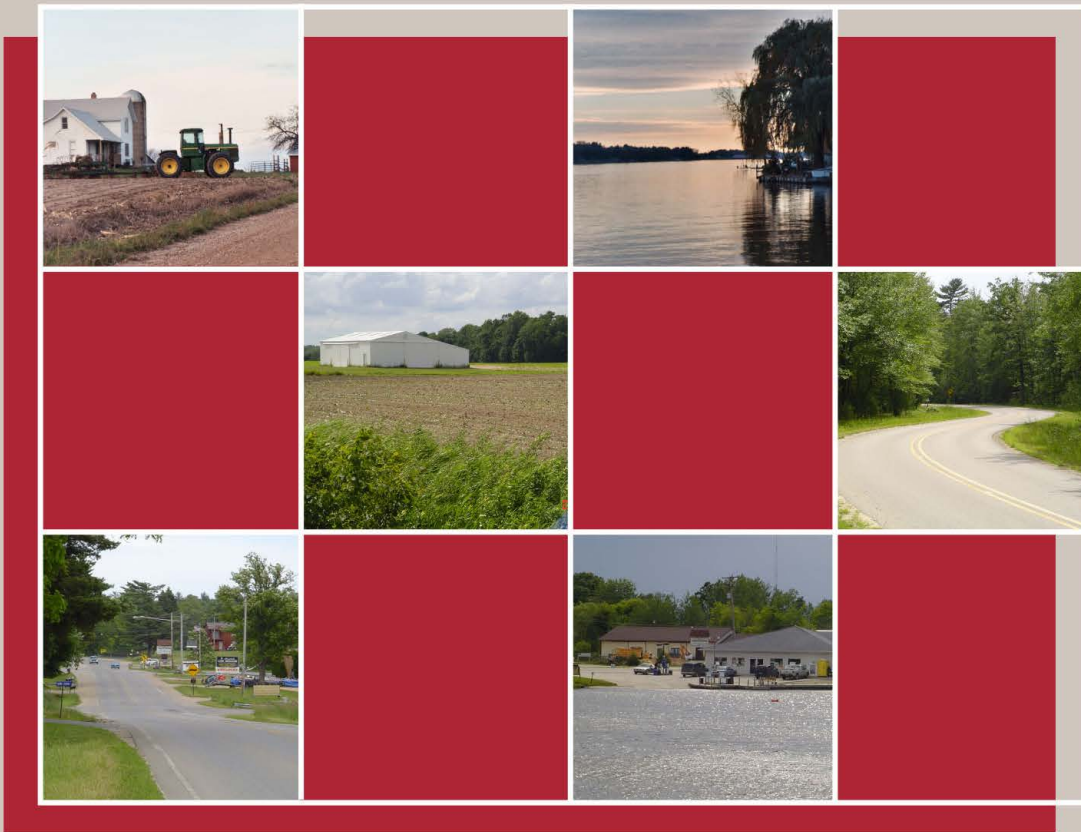


# *Zoning Ordinance*



Billings Township  
Gladwin County, Michigan

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# **Zoning Ordinance**

**Planning Commission Public Hearing: October 27, 2004**

**Adopted: December 13, 2004**

**Effective: January 1, 2005**

**As Amended Through: April 14, 2014**

**Billings Township,  
Gladwin County, Michigan**



# **ACKNOWLEDGMENTS**

## **Township Board**

Larry Grell, Supervisor  
Daniel Zunich, Clerk  
Larry Nelson, Treasurer  
Brian Johnson, Trustee  
Carl Malott, Trustee

## **Planning Commission**

Bill Van Patten, Chair  
Larry Nelson, Township Board Representative  
Phil Fusco  
Melissa Austin  
Willie Thurston

## **Consultant**

Building Place – Rodney C. Nanney, AICP  
Ypsilanti, Michigan

# ZONING ORDINANCE HISTORY

**Planning Commission Public Hearing:** October 27, 2004

**Adopted:** December 13, 2004

**Effective:** January 1, 2005

## **Amendments**

The following sections of the Ordinance have been amended since January 2005:

### **As amended: January, 2007:**

Section 1.01 Intent and Purpose.  
Section 1.04 Enabling Authority.  
Section 2.102 Zoning Map.  
Section 6.202 Open Space Preservation Option.  
Section 11.01 Wireless Communication Facilities.  
Section 11.02 Wind Turbines.  
Section 11.03 Private Roads.  
Article 12 Procedures and Standards  
Section 14.01 Intent.  
Section 14.08 PUD Review Procedures.  
Section 16.10 Cessation of Nonconformities by Township Action.  
Section 17.01 Authority.  
Section 17.03 Rules of Procedure.  
Section 17.08 Variances.  
Section 18.02 Definitions  
Section 19.03 Adoption.  
Section 19.04 Effective Date.

### **As amended: March, 2008:**

Article 3 Land Use Table  
Section 4.204 Permitted Yard Encroachments.  
Section 4.302 Area and Yard Regulations  
Section 5.204 Home Occupations.  
Section 5.210 Single-Family and Two-Family Dwellings, Detached.  
Section 5.707 Temporary Uses.  
Section 6.203 Protection of Wetlands and Bodies of Water.  
Section 11.04 Temporary Living Quarters.  
Section 18.02 Definitions.

### **As amended: November, 2008:**

Section 12.03 Public Hearing Procedures  
Section 17.03 Rules of Procedure.

### **As amended: October, 2009:**

Articles 2-6, 12, 16, and 18

### **As amended: November, 2010:**

Article 3 Land Use Table

### **As amended: April, 2011:**

Section 5.210 Single-Family and Two-Family Dwellings, Detached.  
Section 6.101 Accessory Structures.  
Section 6.207 Outhouses, Privies, and Outside Toilets.  
Section 11.04 Temporary Living Quarters.  
Section 18.02 Definitions.

### **As amended: July, 2011:**

Section 11.01 Wireless Communication Facilities

### **As amended: February, 2013:**

Section 4.201 Front Yards  
Section 6.102 Fences  
Section 11.03 Private Roads  
Section 11.04 Temporary Living Quarters

### **As amended: April, 2014:**

Article 3 Land Use Table  
Section 4.204 Permitted Yard Encroachments  
Section 5.709 Volatile Bio-Fuel Production  
Section 5.710 Medical Marijuana Caregiver  
Section 11.01 Wireless Communication Facilities  
Section 18.02 Definitions

## HOW TO USE THIS ORDINANCE

### TO FIND OUT WHICH ZONING DISTRICT APPLIES TO YOUR PROPERTY:

Visit the Township offices and find your property on the Official Zoning Map. For more information on the district, look up the specific district use standards in Article 3.

### IF YOU HAVE PROPERTY AND WANT TO KNOW WHAT RULES APPLY:

- Step 1:** Find your zoning district on the Official Zoning Map (available in the Township Hall).
- Step 2:** Look up the zoning district's purpose and list of permitted uses in Article 3.
- Step 3:** Look up any specific conditions for a particular permitted land use in Article 5 (Use Standards).
- Step 4:** Look up minimum lot size, building height, yard requirements, and other dimensional standards for the zoning district in Article 4 (Dimensional Standards).

### TO DEVELOP PROPERTY OR ESTABLISH A PARTICULAR USE:

- Step 1:** Go to Article 3 (Land Use Table) to determine if the proposed use is permitted in the zoning district. The text will note whether there are supplemental design standards for this use in Article 5 (Use Standards).
- Step 2:** Go to Article 5 (Use Standards) to find design standards for the proposed use.
- Step 3:** Look up the appropriate zoning district in Article 4 (Dimensional Standards) for details on minimum lot size, required yards, and other district standards. You may also be referred to Articles 7 through 10 for general parking, screening, lighting, and sign regulations.
- Step 4:** Go to Article 12 (Procedures and Standards), Section 12.01 (Site Plan Review) for details about the approval process. If the proposed use is identified as a "special use," then also look up Section 12.02 (Special Uses).

### TO REQUEST A VARIANCE FROM THE ZONING STANDARDS THAT APPLY:

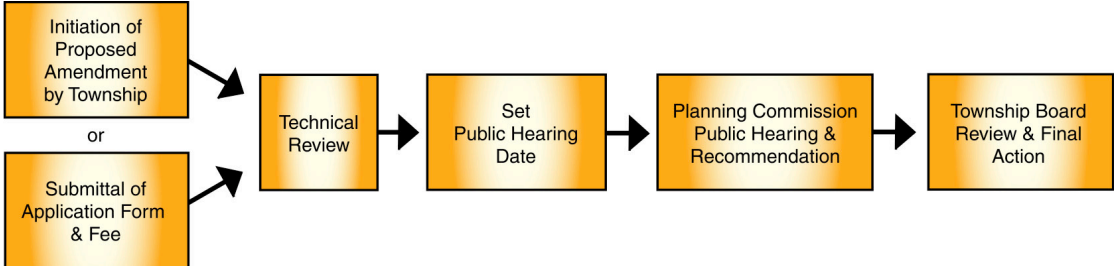
The Zoning Board of Appeals is authorized to grant variances from specific regulations of this Ordinance in cases of special hardship. See Article 17 (Zoning Board of Appeals) for more information.

### IF YOU WANT TO...

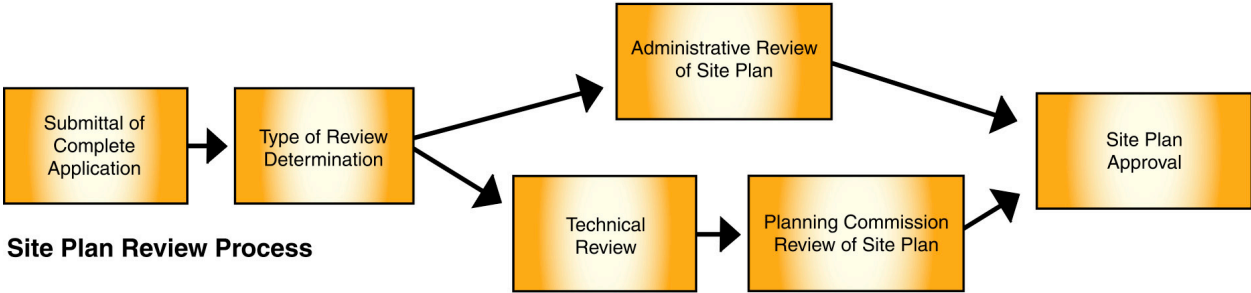
- ...BUILD A FENCE:** See Section 6.102 (Fences).
- ...INSTALL A SIGN:** See Article 9 (Signs).
- ...BUILD A GARAGE, SHED OR POOL:** See Section 6.101 (Accessory Structures).
- ...BUILD A DECK, PATIO OR PORCH:** See Article 4 (Dimensional Standards).

**SELECTED ZONING ORDINANCE REVIEW PROCEDURES:**

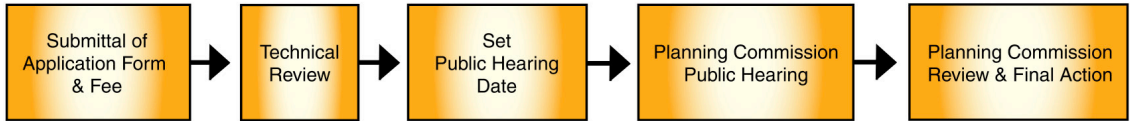
The following are some of the common types of development review and use approval procedures required under this Ordinance:



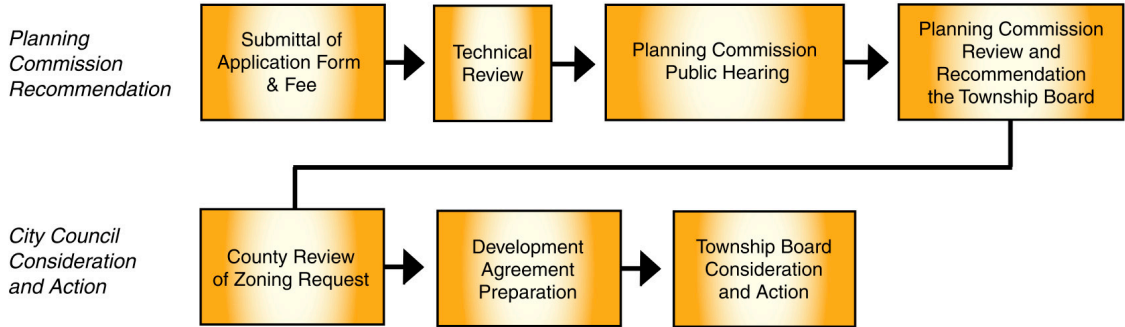
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**Site Plan Review Process**



**Special Use Review Procedure**



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## **ARTICLE 1**

### **ADMINISTRATION AND ENFORCEMENT**

#### **Section 1.01 Intent and Purpose.**

This Ordinance has been prepared and adopted for the purpose of providing standards and regulations for land development, for the use of land and buildings, and for all other purposes described in Section 201 of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended). Also, this Ordinance is based on the Billings Township Master Plan, and is intended to carry out the objectives of that Plan.

#### **Section 1.02 Scope.**

The standards and regulations contained in this Ordinance shall apply to all land, buildings, structures, land uses, and land development projects that are established or commenced after the effective date of this Ordinance. Accordingly, no lots or parcels may be created or altered, nor any land use be established or commenced, nor any building or structure constructed, altered, or extended, except in a manner that complies with the provisions of this Ordinance.

This Ordinance does not repeal other laws and ordinances except as may be noted in the provisions that follow this Section. This Ordinance has no effect on the applicability of private deed restrictions or restrictive covenants.

#### **Section 1.03 Short Title.**

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

#### **Section 1.04 Enabling Authority.**

This Zoning Ordinance has been prepared and adopted under the authority of the Michigan Zoning Enabling Act (P .A. 110 of 2006, as amended). This Ordinance was adopted by the Billings Township Board of Trustees, following compliance with all procedures required by the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended).

#### **Section 1.05 Conflicting Provisions Repealed.**

All previous zoning ordinances adopted by the Billings Township Board of Trustees, and all amendments thereto, are hereby repealed as of the effective date of this Ordinance, together with all other ordinances, or parts thereof, that conflict with this Ordinance.

However, no offense committed nor penalty incurred prior to the effective date of this Ordinance shall be affected or impaired. Any prosecution pending at the time this Ordinance becomes effective may be tried and determined exactly as if such ordinance has not been repealed. Any prosecution started within one (1) year after the effective date of this Ordinance in consequence of any violation of any ordinance repealed herein, which was committed



previous to the effective date of this Ordinance, may be tried and determined exactly as if such ordinance has not been repealed.

### **Section 1.06    Validity and Severability.**

This Ordinance and the various sections, subsections, clauses, sentences, and provisions are severable. If any section, subsection, clause, sentence or provision is declared to be unconstitutional or invalid, the balance of the Ordinance shall not be affected by the declaration.

### **Section 1.07    Authority and Responsibilities.**

Billings Township shall appoint a Zoning Administrator to act as its officer for the proper administration and enforcement of this Ordinance. The Zoning Administrator shall be appointed by the Township Board for such term, subject to such conditions, and at such rate of compensation as the Board shall determine.

The Zoning Administrator shall enforce the provisions of this Ordinance, and shall have the authority to perform such other functions necessary or incidental to the enforcement and administration of this Ordinance. In carrying out designated duties, the Zoning Administrator shall have the authority to order the discontinuance of illegal uses of land or structures, removal of illegal structures or alterations, and discontinuance of any illegal work being done.

The Zoning Administrator shall administer the Zoning Ordinance precisely as written, and shall not modify or vary the terms of this Ordinance nor grant exceptions to the actual meaning of any clause, order or regulation contained in this Ordinance.

### **Section 1.08    Zoning Permits.**

The Zoning Administrator shall have the authority to grant zoning permits, and to make inspections of structures or sites necessary to carry out and enforce this Ordinance. No structure or site shall be used erected, moved, enlarged, altered or demolished until the owner or occupant has applied for and obtained a zoning permit. No permit shall be issued to erect, move, enlarge, substantially alter, or demolish a structure or site unless the request is in conformance with the provisions of this Ordinance. Zoning permits shall be subject to the following:

#### **A.    Application.**

Zoning permit applications shall be filed with the Zoning Administrator, and shall be accompanied by a written explanation of the proposed improvements. Application materials shall include sufficient detail for the Zoning Administrator to determine whether the proposed improvements conform with the provisions of this Ordinance. The Zoning Administrator may require that submittal of a permit application be accompanied by plans and specifications drawn to scale and showing the following:

1.    The location, shape, area, and dimensions of the lot involved.

2. The locations of water and septic systems proposed and existing in the general area.
3. The size, shape, dimensions, and location of any existing or proposed structures to be situated on the parcel.
4. The existing and proposed use of the parcel and all structures upon it.
5. The location and dimensions of any existing and proposed yard, open space, and parking areas.
6. Proposed setbacks of structures from property lines, roads, lakes, and streams.
7. Any other information deemed necessary by the Zoning Administrator for the proper enforcement of this Ordinance.

**B. Permit Issuance.**

Issuance of permits under this Ordinance shall be subject to the following:

1. No permit shall be issued until the Zoning Administrator has received notification of final approval of a site plan, special use or other necessary approval from the Planning Commission, including any conditions of approval.
2. It shall be unlawful for the Zoning Administrator to issue a zoning permit for proposed work that does not or has not been determined to conform with all applicable provisions of this Ordinance. The Zoning Administrator shall issue a zoning permit within ten (10) business days after determination that the proposed work conforms with all applicable provisions of this Ordinance.
3. In all cases where the Zoning Administrator shall refuse to issue a permit, the cause and reasons for such refusal shall be provided in writing to the applicant.
4. Proof of zoning permit approval shall be conspicuously posted upon the premises.

**C. Revocation.**

The Zoning Administrator may revoke a zoning permit in the case of failure or neglect to comply with any of the provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application for the permit. The Zoning Administrator shall notify the owner of such revocation in writing.

**D. Duration.**

If construction is not started within one year of the date a permit is issued, the zoning permit shall become void and a new permit application must be filed with the Zoning Administrator.

**E. Zoning Inspections.**

It shall be the duty of the holder of every permit to notify the Zoning Administrator of the time when the work subject to the permit is ready for inspection. It shall be the duty of the Zoning Administrator to inspect work performed under an approved permit to verify compliance with the provisions of this Ordinance.

**F. Other Permits and Approvals Required.**

The following permits or approvals, where required, shall be secured before a zoning permit may be issued:

1. Wastewater disposal system or water well permits, obtained from the Central Michigan District Health Department.
2. Driveway permit, obtained from the Gladwin County Road Commission.
3. Any other required permits or outside agency approvals.

**G. Zoning Permit Required to Obtain Building Permit**

Approval of a zoning permit by the Zoning Administrator shall be required to secure building permits for work performed under the State Construction Code enforced by Gladwin County.

**Section 1.09 Fees and Performance Guarantees.**

The Township Board shall, by resolution, establish a schedule of fees for all permit applications required by this Ordinance. These fees shall be used for the purpose of defraying the cost of administering this Ordinance. No action shall be taken on any application or appeal until the application is accurate and complete, and all applicable fees, charges, and expenses have been paid in full.

**A. Fees in Escrow for Professional Reviews.**

An escrow fee may be required by the Zoning Administrator with any application for approval under this Ordinance, where professional input and review is desired before a final decision is made. The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the Township values to review the proposed application.

1. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals. Any unused fee collected in escrow shall be returned to the applicant within 60 days of final Township action on the applicant's request, or within 60 days of withdraw of the request by the applicant. If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any zoning permit or other approval issued by the Township.
2. The professional review will result in a written report indicating the extent of conformance or nonconformance with this Ordinance, and identifying any

problems that may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any written reports and statement of expenses for the professional services rendered, upon request.

**B. Performance Guarantees.**

To ensure compliance with this Ordinance and faithful completion of required improvements, the Zoning Administrator may require that the applicant deposit with the Township Treasurer a financial guarantee to cover the cost of all improvements required as a condition of such approval. Such guarantees shall be deposited prior to the start of work or issuance of any permits, and shall be subject to the following:

1. "Improvements" shall be limited to those features, upgrades and enhancements associated with the project considered necessary by the approving authority to protect natural resources, or the health, safety, and welfare of residents of the Township and future users of the project including, but not limited to roadways, lighting, utilities, sidewalks, landscaping and screening, and drainage.
2. The form of the deposit shall be cash, certified check, irrevocable bank letter of credit or other surety acceptable to the Township Board. The Zoning Administrator shall determine the guarantee amount, which shall cover the full cost of uncompleted site improvements.
3. Performance guarantees shall continue until such time as the Township notifies the surety that the conditions imposed upon the development have been met. The surety shall not release the performance guarantee until the Zoning Administrator is satisfied that the conditions for such action have been met.
4. As work progresses, the Township may rebate cash deposits in reasonable proportion to the ratio of work completed on the required improvements. Ten percent (10%) of the guarantee shall be retained by the Township pending a successful final inspection by the Zoning Administrator of all required improvements.

**Section 1.10 Compliance Required.**

No structure, site or part thereof, shall be constructed, altered or maintained, and no new use of any structure or land shall be established, changed or maintained, except in conformity with this Ordinance.

**Section 1.11 Enforcement.**

The standards and requirements of this Ordinance reflect obligations to the community at large, and violations of this Ordinance shall be considered a nuisance per se. The Zoning Administrator shall, upon determining that any provision of this Ordinance has been violated, take any actions authorized by this Ordinance necessary to ensure compliance with the provisions of this Ordinance.

**A. Inspection of Violation.**

The Zoning Administrator shall inspect each alleged violation and shall order a correction in writing for all conditions found to be in violation of this Ordinance.

**B. Correction Period.**

All violations shall be corrected within 30 days following the receipt of an order to correct from the Zoning Administrator. The Zoning Administrator may grant an extension of up to 180 days upon determining that the additional time is necessary for correction. The Zoning Administrator may require the immediate correction of a violation upon determining that the violation presents an imminent peril to life or property.

**Section 1.12 Violation and Penalties.**

The violation of any provision of this Ordinance by any firm, corporation, person or persons, or anyone acting on behalf of said person, persons, firm or corporation is a municipal civil infraction, for which the fine shall be not less than \$100.00 nor more than \$500.00 for the first offense and not less than \$500.00 nor more than \$1,000.00 for subsequent offenses, plus costs and other sanctions ordered by the court.

1. The Zoning Administrator and enforcement officers serving Billings Township shall be authorized to issue civil infractions for violations of this Ordinance. The Township Board may authorize additional persons as necessary to issue civil infractions for violations of this Ordinance.
2. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
3. Any violation of this Ordinance is a nuisance per se and may be abated by the Circuit Court through injunctive relief.
4. For purposes of this Section, the term "subsequent offense" shall mean a violation of the provisions of this Ordinance committed by the same person within one (1) calendar year of a previous violation of the same provision for which the person admitted responsibility or was found responsible by the court.
5. Each day that a violation is permitted to exist shall constitute a separate offense. Offenses committed on subsequent days within a period of one (1) week following the issuance of a citation for a first offense shall all be considered separate first offenses.
6. It shall be the duty of the property owner and all persons having responsibility for the establishment of any use or the construction, alteration or demolition of any structure or site to verify that such work is not in violation of this Ordinance. Persons having responsibility for work in violation of this Ordinance shall be deemed responsible for such violations to the same extent as the property owner.

**ARTICLE 2**  
**ZONING DISTRICTS AND MAPS**

**SECTION 2.100**  
**PURPOSE OF DISTRICTS**

**Section 2.101 Zoning Districts.**

For the purpose of this Ordinance, Billings Township is hereby divided into districts as follows:

<b>DISTRICT NAME</b>	<b>SYMBOL</b>
Agriculture-Conservation District	A-1
Single-Family Residential District	R-1
Island Overlay District	IS-I
Multiple-Family Residential District	R-M
Manufactured Housing Park District	MHP
Local Commercial District	C-1
Highway Commercial District	C-2
Industrial District	IND
Public/Semi-Public Services District	PSP

**Section 2.102 Zoning Map.**

The Township is hereby divided into districts, with the district areas and boundaries as shown on the Official Township Zoning Map, along with all proper notations, references and explanatory matter. The Official Zoning Map shall be adopted by reference and declared to be a part of this Ordinance. This Map shall be identified by the signature of the Township Clerk and the following words: "This is to certify that this is the Official Zoning Map of Billings Township, effective as of \_\_\_\_\_, the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_."

If in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Map promptly after the amendment has been approved by the Township Board. No changes of any nature shall be made on the Official Zoning Map, except in conformity with the amendment procedures set forth in Section 12.04 (Amendments), or in conformity with the procedures set forth in the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) for adoption of a new Official Zoning Map. The Official Zoning Map shall be kept in the office of the Township Clerk, and shall be the final authority as to the current zoning status of land, water areas, and structures in the Township.

### **Section 2.103 Agriculture-Conservation (A-1) District.**

The Agriculture-Conservation (A-1) District is hereby established to conserve the rural character, open space, recreation areas, groundwater recharge areas, and agricultural uses of the Township. The intent of this district is to discourage the encroachment of land uses incompatible with active agricultural and recreational uses into rural area of the Township; minimize excessive and unnecessary public expenditures caused by scattered demand for urban levels of public services in otherwise rural areas; and protect areas of the Township for agricultural production, distribution and accessory uses.

It is further recognized that certain value-added services and agricultural-support uses are necessary to support local agricultural activities and the rural economy of the Township. Accordingly, it is the intent of this District to promote agricultural and recreational uses as an important component of the local economy, and to allow for a limited range of agriculture and recreation oriented tourism, educational, and commercial uses, subject to standards designed to minimize impacts on the Township's rural character.

### **Section 2.104 Single-Family Residential (R-1) District.**

The Single-Family Residential (R-1) District is hereby established for the purpose of providing a range of low density housing choices, encouraging the development and maintenance of suitable neighborhoods for families and children, providing suitable land uses in waterfront areas, protecting water quality, prohibiting uses of land that would adversely impact residential neighborhoods, and discouraging uses that would generate traffic on local streets in excess of normal traffic generated by the neighborhood.

The intent of the district is to provide for an environment of predominantly single-family dwellings, along with other associated uses and facilities that serve the residents in the district, including but not limited to educational, cultural and religious land uses, parks and playgrounds. It is further the intent of this district to permit the construction of new two-family dwellings at appropriate locations in the Township to meet the needs of the different age and family groups.

It is the further intent of these districts to prohibit or restrict any land use that would substantially interfere with development or continuation of single-family detached dwellings in the district, or would generate excessive traffic or requirements for public services. Uses in this district shall be subject to appropriate design, density and development standards (including density, bulk, setback and separation standards, and provisions for sufficient light, air, and privacy) intended to reduce hazards to life and property, provide basic amenities, and ensure compatibility between land uses.

### **Section 2.105 Reserved.**

Reserved.

### **Section 2.106 Island Overlay (IS-1) District.**

The Island Overlay (IS-1) District is hereby established as an overlay district for the purpose of recognizing islands as unique physical landforms that present special challenges to development. It is the intent of this district to permit limited development of suitable island land uses in appropriate locations, subject to reasonable standards and controls designed to preserve waterfront areas and protect water quality.

### **Section 2.107 Multiple-Family Residential (R-M) District.**

The Multiple-Family Residential (R-M) District is hereby established meet the varied housing needs of Township residents by providing locations for higher density, multiple-family housing at appropriate locations in the Township. Associated uses and facilities that serve the residents in the district (including educational, cultural and religious land uses, parks and playgrounds) shall also be provided within a primarily residential environment. In addressing these housing needs, the Multiple-Family Residential District should be designed and located in consideration of the following objectives:

1. Uses in this district shall be provided with necessary public services and utilities, including public water or sanitary sewer services, usable outdoor space, and a well-designed internal road network.
2. Uses in this district shall be designed to be compatible with nearby residential, recreational, and agriculture areas.
3. Uses in this district shall have direct access to a collector or arterial road.

### **Section 2.108 Manufactured Housing Park (MHP) District.**

The Manufactured Housing Park (MHP) District is hereby established to provide for the location and regulation of manufactured housing parks as defined by the Mobile Home Commission Act, P.A. 96 of 1987 (as amended), and the Manufactured Housing Commission General Rules. It is intended that manufactured housing parks be provided with necessary community services and other associated uses and facilities that serve the residents in the district (including educational, cultural and religious land uses, parks and playgrounds) in a setting that provides a high quality of life for residents. In accordance with the purpose of this district, manufactured housing parks shall be located in areas where they will be compatible with adjacent land uses.

The regulations and rules established by the State of Michigan (Mobile Home Commission Act, P.A. 96 of 1987, as amended) and the Manufactured Housing Commission govern all manufactured housing parks. Where regulations in this Article and Ordinance exceed the state law or general rules, they are intended to promote the health, safety and welfare of the Township's residents, and to ensure that manufactured housing parks are developed and maintained in a manner equivalent to the standards established by this Ordinance for comparable residential developments in the Township. Further, the district is intended to meet the needs of the different age and family groups in the Township, minimize hazards to life and property, and ensure sufficient provisions for light, air, privacy, recreation areas and basic amenities to serve the residents of the district.



### **Section 2.109 Local Commercial (C-1) District.**

The Local Commercial (C-1) District is hereby established to provide for local service, entertainment, and convenience shopping facilities to meet the day-to-day needs of Township residents and visitors. It is the intent of this district to encourage concentrations of complementary businesses at planned locations within the Township, to the mutual advantage of residents and merchants. The design, location, and intensity of permitted uses in this district shall be harmonious with surrounding residential, agricultural, and recreational uses. Intensive commercial uses that generate large volumes of traffic or that have other characteristics that tend to adversely affect the quality of surrounding residential and agricultural areas are not permitted in this district.

### **Section 2.110 Highway Commercial (C-2) District.**

The Highway Commercial (C-2) District is hereby established to accommodate businesses that sell or service motor vehicles in addition to other more intense entertainment and auto-oriented commercial, retail, and service uses that generate large volumes of vehicular traffic, require substantial access for off-street parking and loading, or would otherwise be incompatible with local commercial districts or abutting residential or institutional uses.

Because of the types of uses permitted in the district, detailed attention must be focused on relationships with adjacent uses, site layout, building design, and vehicular circulation. The district should be limited in size and restricted to planned locations on M-30 or another suitable primary road to prevent potential nuisances and conflicts with incompatible uses and districts. Development in the district shall be buffered from or set back from residential, recreational, and agricultural uses.

### **Section 2.111 Industrial (IND) District.**

The Industrial (IND) District is hereby established for the purpose of permitting certain industries of a light manufacturing, office, research, laboratory, warehousing or wholesaling character to locate in planned areas of the Township where such uses would not have a detrimental impact on surrounding uses and districts. The focus of this district is to encourage the establishment of agribusiness-oriented service, research, and industrial facilities that complement the active agricultural uses in the Township.

To meet the purpose and intent of this district, certain land uses are prohibited; including uses that would create excessive or unusual danger of fire, explosion, toxicity, or exposure to radiation or other unusually noxious, offensive, unhealthy and harmful odors, fumes, dust, smoke, light, waste, noise or vibration. Reasonable regulations and limitations apply to uses in this district to minimize adverse effects on other areas of the Township.

### **Section 2.112 Public/Semi-Public Services (PSP) District.**

The Public/Semi-Public Services (PSP) District is hereby established for the purpose of accommodating dedicated areas of open space, government buildings and uses, institutional and recreational uses, and similar uses of a public service or institutional character, including areas for off-street parking as an accessory use to serve an abutting district that has developed without adequate off-street parking facilities.

## **SECTION 2.200**

### **GENERAL REQUIREMENTS AND STANDARDS**

#### **Section 2.201 Principal Uses and Special Uses.**

In all districts, no structure or land shall be used or occupied, except in conformance with Section 3.02 (Table of Permitted Land Uses by District), and as otherwise provided for in this Ordinance. Special uses may be permitted in accordance with Section 3.02 (Table of Permitted Land Uses by District), subject to a public hearing and approval by the Planning Commission in accordance with the procedures and conditions defined in Section 12.02 (Special Uses).

#### **Section 2.202 Prohibited Uses.**

Uses that are not specifically listed as a principal or special use permitted by this Ordinance in a zoning district, or otherwise determined to be similar to a listed use, shall be prohibited in the district.

#### **Section 2.203 Design and Development Requirements.**

All uses shall comply with any applicable requirements of Article 5 (Design Standards for Specific Uses), and all other applicable provisions of this Ordinance. No structure shall be erected, reconstructed, altered or enlarged, nor shall zoning permits be issued except in conformance with this Ordinance.

#### **Section 2.204 District Boundaries.**

The following rules shall be used in interpreting the boundaries shown on the Official Zoning Map:

1. Boundaries appearing to follow the centerline of a street or highway shall be interpreted to follow that centerline.
2. Boundaries appearing to follow a Township boundary line shall be interpreted to follow that boundary line.
3. Boundaries appearing to follow the exterior property lines of a platted subdivision shall be interpreted to follow those property lines.
4. Boundaries appearing to follow platted property lines shall be interpreted to follow those property lines.
5. Boundaries appearing to follow the exterior property lines of a planned unit development shall be interpreted to follow those exterior property lines.

6. Boundaries appearing to follow the centerline of a stream or the ordinary high water mark of a lake shall be interpreted to follow that centerline or ordinary high water mark.
7. Boundaries appearing to follow property lines, or interior or exterior section lines, shall be interpreted as following those property or section lines.

If the Zoning Administrator finds these standards inadequate to interpret the location of a zoning district boundary, or if a property owner wishes to dispute the Zoning Administrator's interpretation, the Zoning Board of Appeals may interpret the Zoning Map under the provisions of Section 17.07 (Interpretations).

### **Section 2.205 Zoning of Vacated Areas and Rights-of-Way.**

All vacated areas and rights-of-way not otherwise designated shall be deemed to be in the same district as the immediately abutting land. Where the centerline of a road serves as a district boundary, the zoning district(s) shall be deemed to extend up to either side of the centerline.

## ARTICLE 3 LAND USE TABLE

### Section 3.01 Key Designations in Table of Uses.

SYMBOL	KEY	
<b>P</b>	Permitted Uses	Principal Uses
<b>S</b>		Special Uses
<b>A</b>		Accessory Use
[Blank]	Prohibited Uses in the District	

DISTRICT NAME	SYMBOL
Agriculture-Conservation District	A-1
Single-Family Residential District	R-1
Island Overlay District	IS-I
Multiple-Family Residential District	R-M
Manufactured Housing Park District	MHP
Local Commercial District	C-1
Highway Commercial District	C-2
Industrial District	IND
Public/Semi-Public Services District	PSP

### Section 3.02 Table of Permitted Uses by District.

The uses of land in the following table have been organized, for ease of use and convenience, into use groups based upon certain characteristics that the grouped uses may share. These use groups are described below:

1. **ANIMAL AND AGRICULTURAL USES.** These uses primarily involve the keeping, breeding or use of animals; production or distribution of produce and farm-related products; and associated uses of a rural character or intensity.
2. **RESIDENTIAL USES.** These uses primarily involve housing of various types and densities, and associated uses typically found in a residential neighborhood.
3. **COMMUNITY USES.** These are generally public-owned or operated uses, or uses of a not-for-profit nature, that primarily involve benefits or services generally provided to a significant portion of the population, or are uses that serve as focal or gathering points for members of the community.
4. **OFFICE AND SERVICE USES.** These are generally private-owned or operated uses, or uses of a for-profit nature, that include personal service establishments, financial, executive, administrative, medical and professional offices, workshops and studios, and similar associated uses.
5. **COMMERCIAL USES.** These are uses of a generally for-profit nature, and may include retail sales, food service, entertainment, repair services and similar associated uses.
6. **INDUSTRIAL, RESEARCH AND LABORATORY USES.** These are uses that are generally of a light manufacturing, research, warehousing or wholesaling character, or that involve compounding, processing, packaging, assembly, storage or treatment of products or materials.
7. **TEMPORARY, SPECIAL EVENT AND OTHER USES.** These are uses that, because of unusual character, intensity or nuisance factors, do not fit well into the preceding use groups.

**Section 3.02 Table of Permitted Uses by District.**

USES	SYMBOL	KEY	DISTRICTS								SUPPLEMENTAL USE STANDARDS	
	P	Principal Use	A-1	R-1	IS-1	R-M	MHP	C-1	C-2	IND		PSP
	S	Special Use										
	A	Accessory Use										
	Prohibited Use											
<b>ANIMAL AND AGRICULTURAL USES</b>												
Farms for Production of Food, Feed or Fiber	P		P			P	P			P		
Farm-Based Tourism or Entertainment Activities	S										Section 5.101	
Farm Markets, Produce Stands, and Feed Stores	P	S						P	P	S	Section 5.102	
Farm Products Direct Marketing Business	P											
Garden Centers	S							S	P	S	Section 5.103	
Greenhouses and Nurseries	P								P	P	Section 5.103	
Kennels and Animal Shelters	P							A	A	S	Section 5.104	
Livestock Production Facilities	S									S	Section 5.105	
Milling and Processing of Farm and Forestry Products	S									P	Section 5.106	
Ponds for Farming, Landscaping or Recreation	P	P				P	P			P	Section 5.107	
Riding Arenas and Boarding Stables	A	A									Section 5.108	
Riding Stables, Commercial	S								P		Section 5.305	
Veterinary Clinics	P							P	P	S	Section 5.109	
<b>RESIDENTIAL USES</b>												
Accessory Dwelling	A	A						A	A		Section 5.201	
Adult Foster Care Family Home or Small Group Home	P	P										
Adult Foster Care Large Group Home	S					P					Section 5.302	
Bed and Breakfast Inns	S	S									Section 5.202	
Child Day Care Homes, Family	A	A				A						
Child Day Care Homes, Group	S	S									Section 5.302	
Child Foster Family Home or Family Group Home	P	P					P					
Farm Labor Housing	P										Section 5.203	

**Section 3.02 Table of Permitted Uses by District.**

USES	SYMBOL	KEY	DISTRICTS								SUPPLEMENTAL USE STANDARDS	
	P	Principal Use	A-1	R-1	IS-1	R-M	MHP	C-1	C-2	IND		PSP
	S	Special Use										
	A	Accessory Use										
	Prohibited Use											
<b>RESIDENTIAL USES (continued)</b>												
Home Occupations listed in Section 5.204	A		A	A	A	A					Section 5.204	
Home Occupations not listed in Section 5.204	S		S	S	S	S					Section 5.204	
Manufactured Housing Parks						P					Section 5.205	
Multiple-Family Housing					P						Section 5.206	
Nursing Homes, Assisted Living Facilities, and Dependent Elderly Housing					P		S				Section 5.207	
Recreational Vehicle Parks and Campgrounds						P					Section 5.208	
Rooming Houses					S							
Senior Housing and Independent Elderly Housing					P						Section 5.209	
Single Family Dwellings, Detached	P		P	P	P	P					Section 5.210	
State-Licensed and Other Managed Residential Facilities not otherwise listed in this table			S		S							
Two-Family or Duplex Dwellings			P		P						Section 5.210	
<b>COMMUNITY USES</b>												
Cemeteries	S									P	Section 5.301	
Child and Adult Day Care Centers					P		P	P	A	P	Section 5.302	
Fire and Police Stations, and Government Offices	S		S		S	P	P	P	P	P		
Health Club or Fitness Center							P	P	A			
Institutional Uses			S		S	S	S			P	Section 5.303	
Public Docks and Boat Launches										P		
Public Utility and Essential Service Uses	S		S		S	S	S	S	P	P	Section 5.304	
Recreation, Indoor and Outdoor			S		P	P	S	P		P	Section 5.305	

**Section 3.02 Table of Permitted Uses by District.**

USES	SYMBOL	KEY	DISTRICTS								SUPPLEMENTAL USE STANDARDS	
	P	Principal Use	A-1	R-1	IS-1	R-M	MHP	C-1	C-2	IND		PSP
	S	Special Use										
	A	Accessory Use										
	Prohibited Use											
<b>OFFICE AND SERVICE USES</b>												
Banks and Financial Institutions							P	P	S			
Barber Shops, Beauty Salons and Nail Care							P	P				
Funeral Parlors or Mortuaries							P	P			Section 5.401	
Hospitals and Urgent Care Centers							S	P		S	Section 5.402	
Massage Therapists							P	P			Section 5.403	
Medical, Osteopathic, Chiropractic, Optical or Dental Offices, Clinics or Rehabilitation Centers							P	P	P	S		
Offices for Professional, Service or Administrative Uses, Attorneys, Accountants, Realtors, Architects, Insurance and Similar Occupations							P	P	P			
Video Rental Establishments							P	P				
Workshops, Showrooms or Studios of Photographers, Skilled Trades, Decorators, Artists, Upholsterers, Tailors, Taxidermists and Similar Businesses; or for Repair and Service of Bicycles, Electronics, Small Appliances, Furniture, Shoes, and Similar Items							P	P	P			
<b>COMMERCIAL USES</b>												
Big Box COMMERCIAL USES								P			Section 5.501	
Car Washes							S	P			Section 5.502	
Drive-In or Drive-Through Facilities							S	S			Section 5.503	
Gasoline Service Stations							S	P			Section 5.504	
Hardware and Building Supply Stores							P	P			Section 5.505	
Hotels							P	P				

**Section 3.02 Table of Permitted Uses by District.**

USES	SYMBOL	KEY	DISTRICTS									SUPPLEMENTAL USE STANDARDS
	P	Principal Use	A-1	R-1	IS-1	R-M	MHP	C-1	C-2	IND	PSP	
	S	Special Use										
	A	Accessory Use										
	Prohibited Use											
<b>COMMERCIAL USES (continued)</b>												
Laundromat and Dry Cleaners								P	P			
Manufactured Housing Sales							S		S			Section 5.505
Marinas and Commercial Boat Launches								P			P	
Motor Vehicle Service Centers and Repair Stations								S	P	P		Section 5.504
Outdoor Sales or Display Areas								S	P			Section 5.505
Pharmacies, Drugstores and Medical Supply Stores								P	P		A	
Restaurants and Food Service Establishments								P	P	A		
Retail Stores								P	P			Section 5.501 Section 5.505
Showroom or Sales Office for Sales or Rentals of Automobiles, Recreational Vehicles, Boats, Equipment, Machinery or Similar Durable Goods								P	P			
Tavern, Pub, Brewpub, Cocktail Lounge or Night Club								S	P			
<b>INDUSTRIAL, RESEARCH AND LABORATORY USES</b>												
Agricultural Products Storage and Distribution	S									P		
Blacksmithing, Furniture or Cabinet Repair or Manufacture, Machine Shops and Welding Shops, Stone Finishing and Carving, Printing, Bookbinding, or Publishing, Woodworking Shops and Similar Uses										P		
Brewery, Distillery or Winery	S								S	P		
Crematoriums, Blast Furnaces, Incinerators, Lumber Mills, Power Plants, and Similar Uses										S		Section 5.602
Distribution Facilities and Truck Terminals										P		



**Section 3.02 Table of Permitted Uses by District.**

USES	SYMBOL	KEY	DISTRICTS								SUPPLEMENTAL USE STANDARDS	
	P	Principal Use	A-1	R-1	IS-1	R-M	MHP	C-1	C-2	IND		PSP
	S	Special Use										
	A	Accessory Use										
	Prohibited Use											
<b>INDUSTRIAL, RESEARCH AND LABORATORY USES (continued)</b>												
Feed or Flour Mills, Grain Elevators, Smoking, Curing or Packing Plants and similar Food Processing Uses										P		
Electroplating, Welding and Sheet Metal Shops, Paint Mixing or Spraying, Metal Casting, Smelting, Plating, Fabricating, Buffing, Dyeing or Similar Uses										P		
Fabrication, Manufacture or Assembly of Motor Vehicles, Recreational Vehicles, Boats, Trailers, Bicycles, Electronic Equipment, Manufactured/ Modular Housing, Machinery, and Similar Products										P		
Hazardous Materials Storage										S	Section 5.601	
Injection Molding and Automatic Screw Machines, Rolling Mills, Stamping Plants, Tool, Die, & Machine Shops, Shearing, Punching, and Similar Uses										S	Section 5.602	
Manufacture, Compounding, Processing, Packaging, or Treatment of Cosmetics, Pharmaceuticals, Toiletries, Hardware, and Similar Products										P		
Manufacture of Products from Metals, Brick, Clay, Fabric, Glass, Shale, Tile, Terra Cotta, Bone, Leather, Paper, Plastics, Rubber or Similar Materials										P		
Manufacture, Processing, Production or Wholesale Storage of Chemicals, Petroleum or Paper Products, Cement, Lime, Gypsum or Similar Materials										S	Section 5.601 Section 5.602	
Outdoor Storage of Goods, Products, Equipment, Machinery, Lumber, Landscaping and Building Supplies or Similar Items								S	P		Section 5.603	

**Section 3.02 Table of Permitted Uses by District.**

USES	SYMBOL	KEY	DISTRICTS								SUPPLEMENTAL USE STANDARDS	
	P	Principal Use	A-1	R-1	IS-1	R-M	MHP	C-1	C-2	IND		PSP
	S	Special Use										
	A	Accessory Use										
	Prohibited Use											
<b>INDUSTRIAL, RESEARCH AND LABORATORY USES (continued)</b>												
Outdoor Storage of Motor Vehicles, Recreational Vehicles, Boats, Manufactured Houses and Similar Items	S								S		Section 5.604	
Outdoor Dismantling or Recycling of Motor Vehicles, Recreational Vehicles, Boats, Manufactured Houses and Similar Items									S		Section 5.604	
Recycling Collection Facilities and Composting Centers									S		Section 5.605	
Research and Development Facilities, Technical Centers, and Laboratories									P			
Self-Storage Warehouses							S	P	P		Section 5.606	
Slaughter Houses, Rendering Plants, Tanneries, Commercial Stockyards or Feeding Pens, Glue, Soap, Soda, Compound and Similar Factories, Salt or Potash Works, and Similar Uses									S		Section 5.607	
Warehouses and Non-Farm Bulk Indoor Storage									P			
<b>TEMPORARY, SPECIAL EVENT AND OTHER USES</b>												
Accessory Structures and Uses	A	A	A	A	A	A	A	A	A	A	Article 7	
Adult Entertainment Uses								S			Section 5.701	
Boathouses and Waterfront Structures	S	S	S	S	S	S	S			S	Section 5.708	
Construction Buildings and Uses	P	P	P	P	P	P	P	P	P	P		
Correctional Facilities										S	Section 5.702	
Home Sales	P	P	P	P	P	P	P	P	P	P	Section 5.703	
Medical Marijuana Caregiver								P			Section 5.710	
Mining and Extraction Uses	S								S		Section 5.704	
Off-Street Parking Lots	A	A	A	A	A	A	A	A	A	P	Article 7	

**Section 3.02 Table of Permitted Uses by District.**

USES	SYMBOL	KEY	DISTRICTS								SUPPLEMENTAL USE STANDARDS	
	P	Principal Use	A-1	R-1	IS-1	R-M	MHP	C-1	C-2	IND		PSP
	S	Special Use										
	A	Accessory Use										
	Prohibited Use											
<b>TEMPORARY, SPECIAL EVENT AND OTHER USES (continued)</b>												
Public Works or Road Maintenance Yards										P	P	Section 5.603
Racetracks											S	Section 5.705
Sanitary Landfills											S	Section 5.706
Temporary Uses	P		P	P	P	P	P	P	P	P	P	Section 5.707
Volatile Farm-Based Biofuel Production Facility With an Annual Production Capacity of Up To 100,000 Gallons of Biofuel	P											Section 5.709
Volatile Farm-Based Biofuel Production Facility With an Annual Production Capacity of Between 100,000 and 500,000 Gallons of Biofuel	C											Section 5.709

## ARTICLE 4 DIMENSIONAL STANDARDS

### Section 4.101 Table of Dimensional Standards by District.

STANDARDS		DISTRICTS								SUPPLEMENTAL PROVISIONS OR EXCEPTIONS		
		A-1	R-1	IS-1	R-M	MHP	C-1	C-2	IND		PSP	
<b>BUILDING HEIGHT</b> (feet)	Maximum (feet)	35	35		35	see Section 5.105 (Manufactured Housing Parks)	35	35		35	Section 4.203	
<b>LOT STANDARDS</b> (per unit)	Minimum Width (feet)	100	100	100	150		100	150	150		Section 4.301	
	Minimum Area (acres)	1.0	0.5	0.5	3.0				1.0		Section 4.302	
<b>YARD or SETBACK STANDARDS</b> (feet)	Minimum Front Yard		40	25	25		40	25	30	30	25	Section 4.201 Section 4.204
	Minimum Side Yard	Each Side Yard	20	10	6		40	20	20	30	20	Section 4.202 Section 4.204
	Minimum Rear Yard		40	25	25		40	25	25	30	25	Section 4.203 Section 4.204
<b>MINIMUM PRINCIPAL BUILDING SEPARATION</b> (feet)		20	12	12	20							Section 4.202
<b>MINIMUM GROSS FLOOR AREA</b> (square feet/unit)		950	950	1,200								Section 4.301
<b>MINIMUM LAND AREA PER UNIT</b> (acres/unit)		40.0	0.5	0.5	0.1						Section 4.301	

<b>DISTRICT NAME</b>	<b>SYMBOL</b>
Agriculture-Conservation District	A-1
Single-Family Residential District	R-1
Island Overlay District	IS-I
Multiple-Family Residential District	R-M
Manufactured Housing Park District	MHP
Local Commercial District	C-1
Highway Commercial District	C-2
Industrial District	IND
Public/Semi-Public Services District	PSP

## SECTION 4.200 SUPPLEMENTAL PROVISIONS OR EXCEPTIONS

### Section 4.201 Front Yards.

Any required front yard area shall be used primarily for recreational and ornamental purposes, unless otherwise permitted by this Ordinance. No permanent structures shall be maintained within the required front yard, except as otherwise permitted by this Ordinance. Front yards shall be further subject to the following:

1. **Corner lots.** Buildings and structures located on corner lots shall comply with the minimum front yard setback requirements from all street rights-of-way. Such lots shall be deemed to have two (2) front yards, one (1) side yard, and one (1) rear yard for the purposes of this Ordinance. The landowner may specify the arrangement of side and rear yards on any zoning permit application, subject to Zoning Administrator verification that the arrangement does not create or increase nonconformities on the lot.
2. **Double frontage lots.** Where a block of double frontage lots exist, one (1) street may be designated by the Zoning Administrator as the front street for all lots in the block. Otherwise, both frontages shall be considered front yards for purposes of this Ordinance. A person, firm or corporation aggrieved by the Zoning Administrator's designation may appeal the administrative action to the Zoning Board of Appeals in accordance with Section 17.05 (Administrative Appeals)
3. **Waterfront lots.** Where a lot abuts or has direct frontage upon a lake or river, the yard abutting the lake or river shall be designated as the front yard for purposes of this Ordinance.

### Section 4.202 Side Yards.

Side yards shall be further subject to the following:

#### A. Side Yard Modifications in the R-1 District.

The following minimum side yard setback requirements shall apply to lots in the R-1 (Single-Family Residential) zoning district lawfully established with a lot width of less than 100 feet:

<b>MINIMUM SIDE YARD SETBACK</b>	
Each Side Yard	6.0 feet

**B. Side Yard Modifications in the C-1 or C-2 Districts.**

The Planning Commission may reduce or waive the required side yard setback for any principal building in the C-1 or C-2 Districts, subject to the following:

1. Verification from Gladwin County and the Township Fire Chief that applicable state construction and fire code requirements can be satisfied.
2. A setback of not less than 20 feet shall be provided on any side yard which borders on a residential district.
3. Where a wall facing an interior side lot line contains windows or other openings, a side yard of not less than 20 feet shall be provided.

**Section 4.203 Height Exceptions.**

Exceptions to the maximum height standards set forth in Section 4.101 (Dimensional Standards) shall be permitted, as follows:

1. Farm buildings in any zoning district, and wind turbines and other non-residential structures in the A-1 (Agriculture-Conservation) District, shall be exempt from the maximum height standards of this Ordinance.
2. Chimneys, steeples, elevator towers, stage scenery lofts, water towers, mechanical equipment and similar structures shall not be included in calculating the height of a principal building, provided that the total area covered by such structures shall not exceed twenty percent (20%) of the roof area of the building.

**Section 4.204 Permitted Yard Encroachments.**

Stairways, decks, porches, egress window wells, and similar structures and projections shall conform to the yard and setback requirements for the principal building, unless otherwise provided for in this Section. Limited projections into certain required yards shall be permitted as follows:

Projection	Yard	Restrictions
Air conditioners, transformers, generators, and similar types of ground-mounted equipment	Rear, Side	Not permitted in any required front yard. Units located within any required side yard shall be screened by fencing or similar means approved by the Zoning Administrator.
Access drives and sidewalks	All	None
Bay windows and ingress/egress stairs	Front, Rear	May project up to three (3) feet into the required yard
Eaves and overhangs	Side	May project up to two (2) feet into the required yard.

Projection	Yard	Restrictions
Egress Window Wells	All	May project up to three (3) feet into any required yard
Flagpoles	All	Flagpoles shall be set back a minimum of 10 feet from all lot boundaries and road rights-of-way
Handicapped access ramps	All	None
Propane tanks and fuel tanks	Rear	Not permitted in any required front yard. Units located within any required rear yard shall be screened by fencing or similar means approved by the Zoning Administrator.
Signs	See Article 9 (Signs)	



## **SECTION 4.300**

### **GENERAL DIMENSIONAL STANDARDS**

#### **Section 4.301 Standard Methods of Measurement.**

When determining compliance with the provisions of this Ordinance, the following standardized method for measurement shall apply:

##### **A. Grade.**

The surface plane representing the average of the finished ground level at any point within a site shall be determined as follows:

1. **Average grade.** The arithmetic mean of the lowest and highest-grade elevations within a defined area of a lot or parcel.
2. **Finished building grade.** The lowest point of intersection between the vertical plane of the exterior wall of a structure and the horizontal plane of the ground surface. Where the ground is not level, the grade shall be determined by averaging the finished grade for each face of the building.

##### **B. Buildable Lot Area and Open Space Calculations.**

Calculation of permitted residential densities and open space requirements shall be subject to the following:

1. No lot, parcel or portion of same shall be used more than once in such calculation.
2. Lakes, ponds, state or federally regulated wetlands, retention basins, drain easements, public street right-of-ways and private road easements shall be excluded from area calculations for buildable lot area.
3. Areas lying within delineated wetlands, detention basins, or drain easements may be used to satisfy up to twenty percent (20%) of any minimum open space requirement of this Ordinance.
4. Required front, side, or rear yard setback areas for individual dwellings, perimeter yard setbacks or buffer areas for other principal buildings and uses, and areas used for parking, loading or other accessory uses shall be excluded from area calculations for any open space requirement of this Ordinance.

##### **C. Floor Area.**

Measurements of floor area shall be based upon distance between exterior surface of enclosing walls and between centerlines of common partition walls for each living unit, and the following:

1. **Gross floor area (GFA).** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, including a basement floor area where more than one-half (1/2) of the basement height is above the established lot grade at the building.
2. **Usable floor area (UFA).** Eighty percent (80%) of the gross floor area of a building, or that portion of the building area, measured from the interior face of the exterior walls, intended for services to the public or to customers, patrons, clients or patients, and excluding areas intended for storage of merchandise, utility or mechanical equipment rooms or sanitary facilities (for example, the UFA of a restaurant includes the food preparation, dining and serving areas, but not the restrooms, freezer or pantry). Usable floor area shall have a minimum clear height of four (4) feet or more.

**D. Calculations.**

All measurements and calculations shall be rounded to the nearest integer, unless otherwise specified in this Ordinance.

## **Section 4.302 Area and Yard Regulations**

No structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the yard and area regulations of the district in which the structure is located:

**A. Lot Standards.**

1. New lots created after the effective date of adoption or amendment of this Ordinance shall comply with all dimensional standards (including lot area and width) of the zoning district where it is located.
2. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance.
3. Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall comply with the lot size, lot coverage, and setback requirements for the district in which it is located.
4. No yards in existence on the effective date of this Ordinance, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance.

**B. Number of Principal Buildings per Single-Family Lot.**

Only one (1) principal building shall be placed on a lot of record of parcel in a single-family residential district. In single-family condominium developments, only one (1) principal building shall be placed on each condominium lot, as defined in Section 18.02 (Definitions).

### **Section 4.303 Frontage and Access Required.**

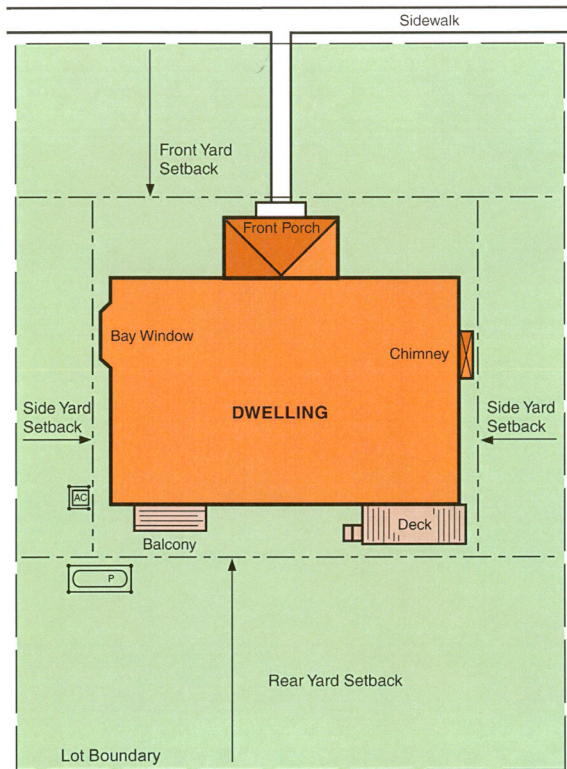
No dwelling shall be built on any lot that does not abut and have direct frontage on an approved road with a dedicated right-of-way. Indirect access via a dedicated private ingress/egress or access easement to a lot without direct road frontage shall not be sufficient to satisfy this requirement.

### **Section 4.304 Corner Clearance Areas**

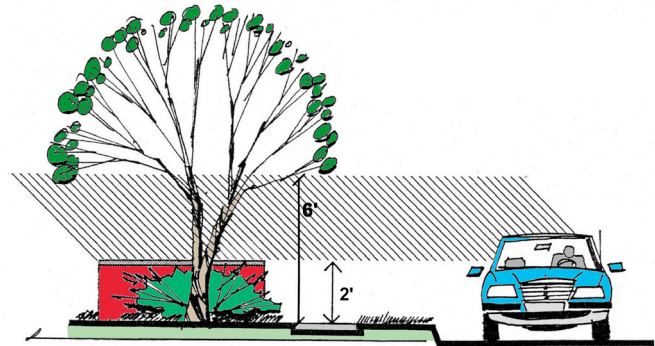
No structures, walls, fences, signs, landscaping or other obstructions to visibility shall be permitted between the heights of two (2) feet and six (6) feet above the existing street grade within a triangular area formed by the intersection of two street right-of-way lines connected by a diagonal across the interior of such lines at points 15 feet from the point of intersection (see illustration).

Trees shall be permitted in the triangular area provided that tree limbs and foliage are trimmed so that they do not obstruct visibility or otherwise create a traffic hazard. Non-obstructing fences shall also be permitted in these triangular areas.

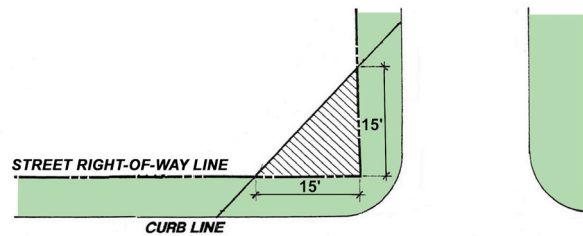
# ILLUSTRATIONS



Permitted Building Projections into Required Yards



ELEVATION



PLAN

Corner Clearance Area



## ARTICLE 5 USE STANDARDS

### Section 5.001 Intent.

Each use listed in this Article, whether permitted by right or subject to approval as a special use, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the district in which the use is located. These standards are intended to:

1. Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.
2. Mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed.
3. Ensure that such uses will be compatible with surrounding land uses.
4. Promote the orderly development of the district and the Township as a whole.

### Section 5.002 Scope of Regulations.

Conformance with these standards shall be subject to site plan review. Unless otherwise specified in this Article, all uses shall be subject to all applicable dimensional and use standards for the district in which the use is located. All uses shall comply with the performance standards for noise, odor, and other impacts specified in Section 6.301 (Performance Standards).

### Section 5.003 Organization.

For the purposes of clarity and ease of use, the provisions of this Article have been organized into the following divisions:

#### **SECTION 5.100 ANIMAL AND AGRICULTURAL USES**

#### **SECTION 5.200 RESIDENTIAL USES**

#### **SECTION 5.300 COMMUNITY USES**

#### **SECTION 5.400 OFFICE AND SERVICE USES**

#### **SECTION 5.500 COMMERCIAL USES**

#### **SECTION 5.600 INDUSTRIAL, RESEARCH AND LABORATORY USES**

#### **SECTION 5.700 TEMPORARY, SPECIAL EVENT AND OTHER USES**



## **SECTION 5.100**

### **ANIMAL AND AGRICULTURAL USES**

#### **Section 5.101 Farm-Based Tourism or Entertainment Activities.**

Farms providing tourism or entertainment-oriented facilities or activities for promotion of agriculture, rural lifestyle or farm product sales shall be subject to the following:

1. Any sales and entertainment facilities shall have direct access to a state highway or county primary or secondary road by means of drives or roads which directly service the facility from the major or secondary thoroughfare.
2. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval. Such plan shall show the intended use and location of all buildings and structures, growing areas, parking facilities, roads and drives to be utilized by the public, pedestrian circulation, location of service areas for various facilities and transition plantings and/or screening devices.
3. Crop growing areas of a depth of not less than 200 feet shall be provided on those sides of the property not abutting the state highway or county primary or secondary road servicing the farm.
4. Greenbelt tree plantings or other effective visual screening shall be provided where off-site abutting residential properties are occupied with dwelling structures within 200 feet of any area on the site occupied with sales or entertainment facilities.
5. All parking shall be provided off the road right-of-way.
6. Noise levels shall not exceed 65 decibels at the property line of the farm where adjacent property has a dwelling unit within 200 feet of the property line nor shall it exceed a maximum of 75 decibels at any other property line.
7. Hours of operation of any outdoor entertainment facilities shall be limited to reasonable hours.

#### **Section 5.102 Farm Markets, Produce Stands, and Feed Stores.**

Farm markets, produce stands, feed stores and similar on-site farm product sales shall be subject to the following:

##### **A. Roadside Stands.**

Roadside stands up to 400 square feet in gross floor area shall be permitted accessory to any ANIMAL AND AGRICULTURAL USE in the A-1 (Agriculture-Conservation) District, subject to the following:

1. A minimum of one (1) parking space shall be provided outside of the road right-of-way for each 100 square feet of space in the stand.



2. All signs used in connection with the use shall be temporary, and shall be removed when the stand is not in use. All signs shall comply with the requirements of Article 9 (Signs).
3. The stand shall not exceed 400 square feet in floor area, shall be portable and shall be removed from its roadside location during seasons when it will not be in use.
4. All produce or products for sale shall be grown or produced on the premises or made from produce grown or material produced on the premises.

**B. Farm Markets and Feed Stores.**

Farm markets, feed stores and similar on-site farm product sales exceeding 400 square feet in gross floor area shall be subject to the following:

1. **Site plan review.** Such uses shall be subject to site plan approval per Section 12.01 (Site Plan Review), and shall conform with all standards of this Ordinance that otherwise apply to retail stores.
2. **Sale of produce.** A minimum of fifty percent (50%) of the produce or products offered for sale shall be grown or produced on land in the Township, or made from produce grown or material produced on land in the Township.
3. **Size.** Such uses shall not exceed a maximum gross floor area of 10,000 square feet.
4. **Signs.** All signs shall comply with the requirements of Article 13 (Signs) for a non-residential use.

**Section 5.103 Greenhouses, Nurseries, and Garden Centers.**

The following shall apply to greenhouses, nurseries, and garden centers:

1. **Setbacks.** Plant storage and display areas shall comply with the minimum setback requirements for the district in which the establishment is located.
2. **Storage.** The storage of soil, wood chips, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties and from access by small animals.

**Section 5.104 Kennels and Animal Shelters.**

Kennels and animal shelters shall conform with all applicable permit and operational requirements established by appropriate regulatory agencies, and shall further be subject to the following:

1. **Minimum lot area.** The lot on which any such kennel or animal shelter is located shall have a minimum lot area of one (1) acre. If more than four (4) animals are housed in the kennel or animal shelter, an additional one (1) acre shall be required for every additional ten (10) animals.

2. **Setbacks.** Structures where animals are kept, outdoor runs, and exercise areas shall not be located in any required yard setback areas. Such facilities shall be set back at least 50 feet from the boundary of a residential district or existing residential use.
3. **Screening.** Structures where animals are kept, outdoor runs and exercise areas shall be screened in accordance with Section 8.04 (Methods of Screening and Buffering).
4. **Hard-surfaced floors.** Structures where animals are kept, outdoor runs and exercise areas shall have impervious surfaces and an approved system for runoff, waste collection and disposal.
5. **Additional conditions.** The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.

**Section 5.105 Livestock Production Facilities.**

All new and expanding livestock production facilities involving more than 50 animal unit equivalents, as defined by the Michigan Department of Agriculture and the table below, shall be subject to the following:

<b>ANIMAL TYPE</b>	<b>NUMBER OF ANIMALS NEEDED TO EQUAL 50 ANIMAL UNITS</b>
Slaughter and Feeder Cattle	50
Mature Dairy Cattle	35
Swine, over 55 pounds	125
Sheep and Lambs	500
Horses	25
Turkeys	2,750
Laying Hens or Broilers	5,000
Animal classes or types not otherwise listed	50,000 pounds total live weight of all animals in the group

1. Such uses shall be subject to site plan approval per Section 12.01 (Site Plan Review).
2. New and expanding livestock production facilities shall comply with applicable Michigan Department of Agriculture (MDA) Generally Accepted Agricultural and Management Practices (GAAMP) for site selection and odor control.
3. All potential sites for new and expanding livestock facilities shall follow the MDA site selection review and verification process, and shall provide documentation

from the MDA indicating that the facility conforms with the site selection and odor control GAAMP.

4. On-site disposal or slaughtering of animals shall be prohibited, except where the animals have been raised on the premises for consumption by residents of the premises.
5. Manure shall be stored in a manner that minimizes odor and run-off, in accordance with MDA accepted agricultural practices. Manure from confinement manure storage pits or holding areas shall be incorporated or disposed of in accordance with MDA accepted agricultural practices, taking into account the season and prevailing wind direction. Manure shall not be applied and left on the soil surface in any area that is within 150 feet of surface water.

### **Section 5.106 Milling and Processing of Farm and Forestry Products.**

All milling and processing of farm and forestry products shall comply with the following:

1. Such uses shall not create a health or safety hazard, a nuisance, or have deleterious impact on the surrounding area either due to appearance or due to operation. Such uses shall also be maintained so that odor, dust, or noise shall not constitute a nuisance or hazard to adjoining premises.
1. Any outdoor storage resulting from milling or processing must be adequately screened and covered in compliance with Section 5.603 (Outdoor Storage of Equipment...).
2. The Planning Commission or Zoning Administrator may limit the hours of operation for any milling or processing use located within 500 feet of a residential district or existing residential use.

### **Section 5.107 Ponds for Farming, Landscaping, and Recreation.**

The creation or expansion of ponds and similar bodies of water accessory to farming or recreational uses, or for residential landscaping purposes, shall be subject to the following standards:

1. **Zoning permit required.** The creation or expansion of such ponds shall be subject to review and approval of a zoning permit by the Zoning Administrator.
  - a. The Zoning Administrator may require submittal of a topographic survey and engineered drawings showing the extent of excavation, proposed fill locations, and proposed soil erosion control measures.
  - b. Applicant shall obtain necessary permits from the Michigan Department of Environmental Quality, or provide documentation that a permit is not required.

2. **Design.** Ponds shall only be of an excavation type as defined by the Natural Resources Conservation Service (NRCS) engineering standards, and all ponds shall be constructed to NRCS Standard 378, or another applicable standard accepted by the Township.
  - a. Ponds shall be established and maintained in accordance with all applicable statutes of the State of Michigan. If any of the requirements of this Section are less restrictive than applicable state statutes, the state requirements shall prevail.
  - b. Pond banks shall have a maximum slope of one (1) foot vertical rise in four (4) feet of horizontal distance, which shall extend below the water's surface to a depth of at least eight (8) feet.
  - c. Designed water depth of pond shall be at least 10 feet to ensure proper aeration and circulation of the water.
  - d. Pond should be located to minimize chance of pollution from sources such as feedlots, corrals, or septic systems.
3. **Permitted uses.** No commercial activities shall be allowed. Sale or transportation of excavated materials off-site shall be considered a mining and extraction use subject to the use provisions of Article 3 (Land Use Table) and standards of Section 5.704 (Mining and Extraction Uses).
4. **Setbacks.** The top of the bank of the pond shall be set back a minimum distance of 50 feet from all lot boundaries, and 100 feet from any well, septic tank or drain field.
5. **Drainage.** Ponds shall be designed and maintained to prevent runoff, overflow, spillage or seepage from encroaching upon adjacent properties. Contaminated surface water shall be diverted around all ponds. Pond excavation shall not alter surface or groundwater flow in a manner that would adversely impact neighboring uses.

### **Section 5.108 Riding Arenas and Boarding Stables.**

All stables and academies for the rearing, schooling and housing of horses, mules, ponies and similar riding animals shall be subject to the following:

1. **Minimum lot size and setbacks.** Stable sites shall have a minimum of five (5) acres. All structures wherein animals are kept shall not be less than 100 feet from any occupied dwelling or to any adjacent building used by the public. When animals are fed hay and oats or other feed outside of a building, the feeding area shall be located not less than 100 feet from any occupied dwelling or any adjacent building used by the public. Corrals where animals graze only shall not be considered feeding areas.

2. **Use standards.** Stables shall be enclosed by a suitable fence, and shall be maintained so that odor, dust, noise or water drainage shall not constitute a nuisance or hazard to adjoining premises.

### **Section 5.109 Veterinary Clinics and Hospitals.**

Veterinary clinics and hospitals shall comply with the following:

1. **Enclosure.** All activities shall be conducted within a completely enclosed building.
2. **Setbacks.** All buildings and outdoor pens or enclosures shall be set back at least 50 feet from all road rights-of-way, residential districts, and existing residential uses.
3. **Treatment Facilities.** Keeping of animals overnight shall be limited to the interior of the principal building. Treatment of non-domesticated animals is permitted. Any overnight care facilities shall meet the requirements for commercial kennels in Section 5.104 (Kennels and Animal Shelters).
4. **Use standards.** Operation shall include proper control of animal waste, odor, and noise. Outdoor exercise areas shall be enclosed by a six (6) foot high solid wall or fence, per Section 6.102 (Fences).

## **SECTION 5.200 RESIDENTIAL USES**

### **Section 5.201 Accessory Dwellings.**

It is the intent of this Section to permit accessory dwellings within principal single-family dwellings in the A-1 (Agriculture-Conservation) and R-1 (Single Family Residential) Districts for the purpose of accommodating the desire of some senior citizens, family groups, and other persons with special needs for private housing close to relatives, and to provide for additional housing accessory to ANIMAL AND AGRICULTURAL USES.

It is further the intent of this Section to permit dwellings accessory to OFFICE AND SERVICE USES or COMMERCIAL USES in the C-1 (Local Commercial) and C-2 (Highway Commercial) Districts, subject to specific standards designed to preserve the predominantly commercial character of these districts.

The standards of this Section are designed to prevent the undesirable proliferation of multiple-family buildings in predominantly single-family neighborhoods, and to preserve the character and appearance of principal buildings that include one or more accessory dwelling units.

Accessory dwellings shall be subject to the following:

#### **A. Zoning Permit Required.**

The creation or expansion of accessory dwellings shall be subject to review and approval of a zoning permit by the Zoning Administrator. The Zoning Administrator may require submittal of floor plans, building elevation drawings, and a plot plan of the lot to verify conformance with the standards of this Ordinance.

#### **B. Accessory to Detached Single-Family Dwellings.**

The following shall apply to dwelling units accessory to detached single-family dwellings in the A-1 (Agriculture-Conservation) and R-1 (Single Family Residential) Districts:

1. All accessory dwelling units shall be located entirely within the principal building. Accessory dwelling units shall be prohibited in any detached accessory structures.
2. The exterior of the principal building shall remain unchanged, so that it does not give the appearance of being divided into separate units. Access to an accessory dwelling unit shall be limited to a common front foyer, or a separate entrance door on a side wall. The use of exterior stairways to provide access to upper floor accessory dwellings shall be prohibited.
3. Accessory dwelling units shall have a minimum gross floor area of 450 square-feet, and shall not occupy more than twenty five percent (25%) of the principal building's gross floor area.
4. The principal building shall be the primary and permanent legal residence of the owner(s) of the property. The owner(s) of the property shall occupy a minimum

of 1,500 square feet of gross floor area within the principal building. Permitted accessory dwelling units shall be clearly secondary to the use of the dwelling as a residence.

**C. Accessory to Office and Services Uses or Commercial Uses.**

The following shall apply to dwelling units accessory to OFFICE AND SERVICES USES or COMMERCIAL USES in the C-1 (Local Commercial) and C-2 (Highway Commercial) Districts:

1. Accessory dwelling units shall be located within or attached to the principal building, and shall occupy no more than fifty percent (50%) of the gross floor area of the building.
2. Each accessory dwelling unit shall have separate kitchen, bath, and toilet facilities and a private entrance. Where there is more than one (1) accessory dwelling unit in a building, such entrances may be provided from a common hallway.

**Section 5.202 Bed and Breakfast Inns.**

Bed and breakfast inns shall comply with the following:

1. **Primary residence.** The structure shall be the primary and permanent residence of the bed and breakfast inn operator. Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the establishment.
2. **Guests.** There shall be a maximum of five (5) rooms for lodging, with a maximum of 15 guests at any given time. Guests may stay no longer than 14 days in succession or a total of 60 days in any 12 month period. Off-street parking areas shall be provided for all guests and shall not be located in any required front yard. Stacking of more than two (2) vehicles in a driveway is prohibited.
3. **Screening.** Screening shall be provided between adjacent residences and parking areas or any outdoor eating area, in accordance with Section 8.04 (Methods of Screening and Buffering).

**Section 5.203 Farm Labor Housing.**

Dwelling units for non-related employees of farms and other seasonal employees shall comply with the standards for accessory dwellings [per Section 5.201 (Accessory Dwellings)] or multiple family housing [per Section 5.206 (Multiple Family Housing)], as appropriate to the type of construction proposed. All structures for farm labor housing shall comply with the standards of Article 4 (Dimensional Standards) for the zoning district, and all provisions of state laws regulating farm labor or migrant labor housing.

**Section 5.204 Home Occupations.**

Home occupations shall be subject to the following:

**A. Use Standards.**

1. **Intensity of use.** Home occupations must be clearly incidental and secondary to the use of the dwelling as a residence. No more than twenty five percent (25%) of the habitable floor area of the dwelling and fifty percent (50%) of the floor area of any accessory structure may be used for the home occupation.
2. **Employment.** No persons shall be employed in the home occupation, other than the dwelling occupants.
3. **Customer or client visits.** A home occupation shall not generate more than ten (10) customer or client visits per day, nor more than 20 customer or client visits per week. No more than two (2) customers or clients may be present at any given time.
4. **Commercial vehicle parking and deliveries.** Home occupations shall be limited to the parking or storage of one (1) commercial vehicle on the premises not exceeding a three-quarter (3/4) ton capacity, provided such vehicle is directly related the home occupation. Delivery vehicles used to deliver goods to a home occupation are limited to automobiles, passenger vehicles, mail carriers and express package carriers.
5. **Hours of operation.** Customer or client visits, and deliveries associated with the home occupation shall be limited to between the hours of 7:00 a.m. and 8:00 p.m.

**B. Permitted Home Occupations.**

The following uses shall be permitted as home occupations.

1. Home offices for such professionals as architects, doctors, brokers, engineers, insurance agents, lawyers, realtors, accountants, writers, salespersons and similar occupations.
2. Personal services, including barber shops, beauty parlors, manicure and pedicure shops, grooming, catering, and chauffeuring services.
3. Home office for a massage therapists, subject to the standards of Section 5.403 (Therapeutic Massage).
4. Music, dance, art and craft classes, tutoring, and studios for artists, sculptors, musicians and photographers.
5. Workshops for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry, and wood-working.
6. Repair services, limited to watches and clocks, small appliances, computers, electronic devices, and similar small devices.
7. A yard or garage sale for household or personal items of the principal resident(s) of the dwelling shall be permitted as a temporary home occupation, provided that such activities shall not exceed 15 days per calendar year. The address of the



principal resident(s) shall be noted on any temporary signs for the yard or garage sale.

8. Any home occupation not specifically listed may be permitted as a special land use by the Planning Commission, subject to the provisions of this Section and Section 12.02 (Special Uses).

**C. Prohibited Uses and Activities.**

1. **Prohibited uses.** The following uses are expressly prohibited as a home occupation:
  - a. Automobile truck, recreation vehicle, boat, motorcycle or small engine repair, bump and paint shops, salvage or storage yards.
  - b. Kennels or veterinary clinics.
  - c. Medical or dental clinics.
  - d. Retail sales of merchandise, or eating and/or drinking establishments.
  - e. Undertaking and funeral homes.
  - f. Adult uses and sexually-oriented businesses.
  - g. Uses similar to the above listed uses, or any use which would, in the determination of the Zoning Administrator, result in nuisance factors as defined by this Ordinance.
2. **Prohibited activities.** Home occupations shall not include:
  - a. Outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation.
  - b. The use of machinery, equipment or facilities not commonly incidental or accessory to a residential dwelling.
  - c. Changes or alterations to the character or appearance of the residence.
  - d. Use of any signs or outside displays on the premises, except as permitted for residential dwellings in Article 9 (Signs).
  - e. Parking that cannot be accommodated on the site.

**Section 5.205 Manufactured Housing Parks.**

Manufactured housing parks shall be subject to all the rules and requirements of the Mobile Home Commission Act (P.A. 96 of 1987, as amended), the Manufactured Housing Commission General Rules, and the following minimum requirements:

**A. Plan Review.**

The preliminary plan for a manufactured housing park shall be submitted to the Township and reviewed by the Planning Commission in accordance with the application requirements and procedures specified in Section 11 of the Mobile Home Commission Act (P.A. 96 of 1987, as amended). The Planning Commission shall take action to approve or deny the preliminary plan, or approve the preliminary plan subject to conditions, within 60 days after the Township officially receives a complete and accurate application. The Planning Commission may table an application for further study, or to obtain additional information, provided that final action is taken within the 60 day review period. A copy of the state-approved final construction plan shall be submitted to the Township prior to the start of construction on the site.

**B. Minimum Area for a Manufactured Housing Park.**

The minimum parcel size for manufactured housing parks shall be 15 acres, excluding adjacent parcels proposed for expansion.

**C. Minimum Manufactured Housing Site Size.**

Manufactured housing parks shall be developed with a minimum manufactured housing site size of 5,500 square feet. Individual sites may be reduced to as small as 4,400 square feet, provided that for every square foot of land gained through such reduction, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of all manufactured housing park residents. This open space shall be in addition to the minimum open space required under Section 5.105K (Open Space), or the Manufactured Housing Commission rules.

**D. Setbacks.**

Manufactured houses shall comply with the following minimum setbacks:

1. For a home not sited parallel to an internal road, 20 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year.
2. For a home sited parallel to an internal road, 15 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year if the adjacent home is sited next to the home on and parallel to the same internal road or an intersecting internal road.
3. Ten (10) feet from an attached or detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year.
4. 50 feet from any permanent building.
5. 100 feet from any baseball, softball or similar recreational field.
6. Seven (7) feet from the back of curb or edge of pavement for an internal road.
7. Seven (7) feet from an adjacent home site's parking space or off-site parking bay.
8. Seven (7) feet from a common sidewalk.

9. All mobile homes, accessory buildings and parking shall be set back not less than 20 feet from any manufactured housing park boundary line, except that a minimum setback of 50 feet shall be provided from the street rights-of-way of public streets abutting the park.
10. 50 feet from the edge of any railroad right-of-way.

**E. Maximum Height.**

The maximum height of any community or similar building in a manufactured housing park shall not exceed two (2) stories or 35 feet, whichever is less. Storage or service buildings shall not exceed one (1) story or 15 feet.

**F. Roads.**

Roads shall satisfy the minimum dimensional, design, and construction requirements in the Manufactured Housing Commission Rules. The main entrance to the park shall have access to a public road by a permanent easement which shall be recorded by the developers. All roads shall be hard-surfaced.

**G. Parking.**

Each manufactured housing site shall be provided with two (2) parking spaces per the Manufactured Housing Commission Rules.

**H. Common Storage Areas.**

If boats, boat trailers and utility trailers are permitted to be parked within the manufactured housing park, adequate parking spaces for such vehicles shall be provided in a central or collective parking area. This area shall be in addition to the automobile parking requirements of this Section, and shall be adequately locked, fenced and permanently buffered.

**I. Sidewalks.**

Concrete sidewalks having a minimum width of three (3) feet shall be provided on at least one side of internal manufactured housing park roads. In addition, a five (5) foot wide concrete sidewalk shall be constructed along any public road abutting the manufactured housing park.

**J. Accessory Buildings and Facilities.**

1. Accessory buildings and structures, including park management offices, storage buildings, laundry facilities or community facilities, shall be designed and operated for the exclusive use of park residents.
2. Site-built buildings and structures within a manufactured housing park, such as a management office or clubhouse, and any addition to a manufactured house that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development (HUD) for manufactured houses, shall be constructed in compliance with applicable state building, electrical and fire codes and shall be subject to approval of appropriate permits and certificates of occupancy by the Township.

3. **Storage accessory to a manufactured home.** Storage shed with a maximum area of 144 square feet may be placed upon any individual manufactured home site for the storage of personal property. Such structures shall be constructed in accordance with applicable standards of the State Construction Code enforced by Gladwin County. Except as otherwise noted in this Section, no personal property (including tires) shall be stored outside or under any manufactured home, or within carports which are open on any side. Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted, so long as they are kept on either a finished wooden deck, a concrete or asphalt patio, or equivalent type of surface associated with the home.

**K. Open Space.**

Any manufactured housing park containing 50 or more manufactured housing sites shall provide a minimum of 25,000 square feet of dedicated and contiguous open space, which shall be shown on the preliminary plan. Any other open space areas or recreational improvements provided at the developer's option shall also be shown on the preliminary plan. This open space may include the two percent (2%) minimum open space requirement established in the Manufactured Housing Commission General Rules.

**L. Perimeter Screening.**

Where a manufactured housing park abuts an existing residential development, screening shall be provided along the boundary abutting the residential development. If the manufactured housing park abuts non-residential development, screening shall not be required.

**M. Screening Along Public Rights-of-Way.**

A landscaped screen shall be provided along all public roads abutting the manufactured housing park. This screen shall consist of evergreen trees or shrubs at least three (3) feet in height, planted so as to provide a continuous screen at maturity.

**N. Alternative Screening.**

Alternative screening devices may be utilized if they conceal the manufactured housing park as effectively as the required landscaping elements described above.

**O. Parking Lot Landscaping.**

Landscaped planting strips and islands shall be dispersed throughout all parking lots to direct traffic flow, create shade and break-up large expanses of pavement. Parking lot landscaping shall be subject to the following standards:

1. All landscaped areas shall be designed to ensure proper protection of the plant materials. Where adjacent to roads, driveway aisles, or parking areas, shall be protected with concrete curbing. Plant materials used shall be hardy, salt-tolerant species characterized by low maintenance requirements.
2. The size and number of planting islands and proposed plantings shall be in scale with the overall site, and shall clearly define the egress/ingress points, interior

circulation system and fire lanes. Landscaping shall not obscure traffic signs or lighting, access to fire hydrants or motorist sight-distance.

3. Planting islands shall have a minimum width of five (5) feet and a minimum area of 100 square feet. A minimum of one (1) deciduous shade tree shall be provided for each 100 square feet of planting area within the island. Ornamental trees, shrubs, mulch or groundcover shall be used to cover all unplanted areas of the island.

**P. Trash Disposal.**

The proposed method(s) and location(s) of trash storage and disposal shall conform to the requirements of Part 5 of the Michigan Department of Environmental Quality (MDEQ) Manufactured Home Park Standards, and shall be identified on the preliminary plan.

**Q. Awnings.**

Awnings may be attached to any manufactured house. Awnings shall comply with the setback and distance requirements set forth in this Section, and shall require a permit.

**R. Sewer Service.**

Public sewer systems shall be required in a manufactured housing park, if available within 200 feet of the park boundaries at the time of preliminary plan approval. If a public sewer system is unavailable, the development shall connect to a state-approved sewage system.

**S. Water Service and Storm Drainage Systems.**

Water supply and drainage systems shall conform to the requirements of Part 2 – 4 of the Michigan Department of Environmental Quality (MDEQ) Manufactured Home Park Standards.

**T. Telephone and Electric Service.**

All electric, telephone, cable TV, and other lines within the park shall be underground per the Manufactured Housing Commission Rules.

**U. Fuel Oil and Gas.**

Any fuel oil and gas storage shall be located in underground tanks, at a safe distance from all manufactured housing sites. All fuel lines leading to manufactured housing sites shall be underground and designed in conformance with the Manufactured Housing Commission Rules and other applicable local, county and state regulations.

**V. Operational Requirements.**

1. **Permit.** It shall be unlawful for any person to operate a manufactured housing park unless that individual obtains a license for such operation in compliance with the requirements of the Mobile Home Commission Act (P.A. 96 of 1987, as amended). The Zoning Administrator shall communicate recommendations regarding the issuance of such licenses to the Director of the Bureau of Construction Codes and Fire Safety, Michigan Department of Labor and Economic Growth.

2. **Violations.** Whenever, upon inspection of any manufactured housing park, the Zoning Administrator finds that conditions or practices exist which violate provisions of this Section, the Zoning Administrator shall give notice in writing by certified mail to the Director of the Bureau of Construction Codes and Fire Safety, Michigan Department of Labor and Economic Growth, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance. This process shall be governed by Sections 17(2) and 36 of the Mobile Home Commission Act (P.A. 96 of 1987, as amended).

The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.

3. **Inspections.** The Zoning Administrator or other authorized Township agent is granted the authority, as specified in the Mobile Home Commission Act, P.A. 96 of 1987, as amended, to enter upon the premises of any manufactured housing park for the purpose of determining compliance with the provisions of this Ordinance or other regulations referenced herein.
4. **License.** A manufactured housing park shall not be operated until a license has been issued by the State of Michigan.

**W. Sale of Mobile Homes.**

The business of street selling new or pre-owned manufactured homes as a commercial operation in connection with the operation of a manufactured housing community shall be prohibited. The operator of a manufactured housing community, or designee, who is an authorized licensed manufactured home retailer or broker, is permitted to feature and sell in-park model homes to be located on a variety of sites within the manufactured housing community.

New or pre-owned manufactured houses located on sites within the manufactured housing park, to be used and occupied on that site, may be sold by a authorized licensed manufactured home retailer or broker, or by a resident of the manufactured housing park, provided the park's regulations permit such sale.

**X. Mailbox Clusters.**

The United States Postal Service may require that manufactured housing parks be served by clusters of mailboxes serving several sites rather than individual mailboxes serving individual sites. If mail box clusters are required, they shall be located at least 200 feet from any intersection of a manufactured housing park road with a public road.

**Y. Waterfront Access.**

Dedicated or common access to and use of parcels of land contiguous to a lake or pond (either natural or an impoundment) by residents of dwelling units in a manufactured housing park shall be subject to the standards of Section 11.05 (Riparian Lot Regulations).

## **Section 5.206 Multiple-Family Housing.**

Multiple-family dwellings and developments shall comply with the following:

### **A. Frontage, Access and Vehicle Circulation.**

Multiple family developments shall have frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan, or county or state road authorities.

1. All interior roads, drives, and parking areas within a multi-family development shall be hard surfaced with asphalt, concrete or other paving materials approved by the Township. Roadway drainage shall be appropriately designed such that storm water from the roadway will not drain onto adjacent lots or across road rights-of-way.
2. Ingress-egress to parking facilities shall be arranged to minimize curb cuts directly onto the public road.
3. Such uses shall be screened from abutting single-family residential districts or uses in accordance with Section 8.04 (Methods of Screening and Buffering).

### **B. Pedestrian Circulation.**

Concrete sidewalks with a minimum width of five (5) feet shall be provided from all building entrances to adjacent parking areas and recreation areas.

### **C. Recreation Areas.**

Passive or active recreation areas (including but not limited to seating areas, playgrounds, swimming pools, walking paths and other recreational elements in accordance with the intended character of the neighborhood) shall be provided at a ratio of at least fifteen percent (15%) of the gross area of the development. The minimum size of each area shall be 5,000 contiguous square feet, and the length to width ratio of each area, as measured along the perimeter, shall not exceed four to one (4:1). Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or building separations.

### **D. Waterfront Access.**

Dedicated or common access to and use of parcels of land contiguous to a lake or pond (either natural or an impoundment) by residents of multiple-family dwelling units shall be subject to the standards of Section 11.05 (Riparian Lot Regulations).

### **E. Other Requirements.**

Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be prohibited, except in areas designated on an approved final site plan.

## Section 5.207 Nursing Homes, Assisted Living Facilities, and Dependent Elderly Housing.

The following regulations shall apply to nursing homes, convalescent homes, rest homes, orphanages, and halfway houses:

1. **Minimum lot area.** The minimum lot area for such facilities shall be three (3) acres.
2. **Frontage and access.** Nursing and convalescent homes, foster care large group homes, and assisted living facilities shall have frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan, or county or state road authorities.
3. **Setbacks.** The principal building and all accessory buildings shall be set back a minimum distance of 40 feet from all lot boundaries.
4. **Recreation area.** Any such facility shall provide a minimum of 500 square feet of outdoor recreation area for every bed used or intended to be used, which shall include places for walking and sitting. Off-street parking areas, driveways, basins, ponds, and accessory uses or areas shall not be counted as required open space.
5. **State and federal regulations.** Nursing homes, convalescent homes, rest homes, orphanages and halfway houses shall be constructed, maintained, and operated in conformance with applicable local, state, and federal laws.
6. **Accessory uses.** Accessory retail, restaurant, office, and service uses may be permitted within the principal building(s) for the exclusive use of residents, employees and their guests. No exterior signs of any type are permitted for these accessory uses.

## Section 5.208 Recreational Vehicle Parks and Campgrounds.

Recreational vehicle parks and campgrounds shall be subject to the following:

1. **Lot area.** Minimum site area shall be five (5) acres.
2. **Screening and security.** The Planning Commission may require a fence up to six (6) feet in height around the perimeter of the site, and may require screening from road rights-of-way and abutting residential uses in accordance with Section 8.04 (Methods of Screening and Buffering).
3. **Setbacks.** Structures and areas designated for camping shall be located a minimum of 100 feet from all lot boundaries. The storage of vehicles not set up for occupancy shall be located a minimum of 200 feet from all lot boundaries, and shall be screened in accordance with Section 8.04 (Methods of Screening and Buffering).



4. **Additional standards.** Campgrounds shall comply with all applicable county and state regulations. Each campsite shall either be provided with individual water and sewer hookups approved by the Central Michigan District Health Department, or shall have convenient access to approved bathrooms, toilets, and shower facilities.
5. **Access.** Recreational vehicle parks shall have direct frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan, or county or state road authorities.
6. **Parking.** The site shall include adequate vehicle access and parking facilities. All parking for campgrounds and recreational vehicle parks shall be set back a minimum of 40 feet from any residential district.
7. **Use standards.**
  - a. **Temporary residency.** Campgrounds and recreational vehicle parks shall be for seasonal recreation use only. This provision shall not apply to the manager or caretaker.
  - b. **Impact on surrounding uses.** The location, layout, design, or operation of campgrounds and recreational vehicle parks shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby lots. Such uses shall not generate excessive noise, odors, dust, or other impacts that impair the continued use and enjoyment of adjacent lots.
  - c. **Accessory retail facilities.** Limited retail uses shall be permitted accessory to a campground or recreational vehicle park, provided that such uses are designed to serve only campground or park patrons.

### **Section 5.209 Senior Housing and Independent Elderly Housing.**

The following site development standards shall apply to housing for the elderly:

1. **Minimum floor area.** Dwelling units within a building shall average 350 square feet in floor area (not including kitchen and sanitary facilities).
2. **Frontage and access.** Senior housing developments shall have frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan, or county or state road authorities.
3. **Pedestrian circulation.** Concrete sidewalks with a minimum width of five (5) feet shall be provided from all building entrances to adjacent parking areas, public sidewalks and recreation areas, along with barrier-free access ramps.
4. **Accessory uses.** Accessory retail, restaurant, office, and service uses may be permitted within the principal building(s) for the exclusive use of residents, employees and their guests. No exterior signs of any type are permitted for these accessory uses.

## **Section 5.210 Single-Family and Two-Family Dwellings, Detached**

Detached single-family dwellings, except manufactured housing units located in an approved and licensed manufactured housing parks, shall comply with the following standards:

### **A. General Standards for All Single Family Detached Dwellings.**

1. All dwellings shall comply with the dimensional requirements, including minimum floor area, of the zoning district in which they are located. All parts of the dwelling, including any addition needed to comply with the minimum requirements of this Section and Ordinance, shall be an integral part of the core living area of the dwelling, as defined in Section 18.02 (Definitions).
2. Prior to any additions or expansions, all dwellings shall have a minimum width across all front, side, or rear elevations of 20 feet (see "Dwelling Elevations" illustration). The average width to depth or depth to width ratio of the dwelling shall not exceed three to one (3:1).
3. All dwellings shall be constructed or placed upon and anchored to a foundation that complies with the applicable provisions of the State Construction Code enforced by Gladwin County.
  - a. In the event a dwelling is a manufactured home, it shall be installed and anchored pursuant to the manufacturer's setup instructions and the applicable Michigan Manufactured Housing Commission General Rules.
  - b. In the event a dwelling is a manufactured home, it shall be installed and anchored with its wheels and towing mechanism removed, and none of the undercarriage shall be visible from outside the manufactured home.
4. Permanent steps or porches are required where there is a difference in elevation between a doorway and grade level.
5. Additions to existing dwellings shall conform with all requirements of this Ordinance.
6. All dwellings shall contain a storage area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the dwelling. The storage area shall be equal to ten percent (10%) of the total residential floor area or 100 square feet, whichever is less.
7. All dwellings shall be connected to a public sewer system and water supply system, or a well and septic system approved by the Central Michigan District Health Department.
8. Exterior finish materials, including siding and roofing materials, shall be integrated around the entire dwelling; including any addition needed to comply with the minimum requirements of this Section and Ordinance. Exterior finish materials on any addition shall match or be coordinated with existing finish materials on the dwelling.

9. A dwelling shall not be considered lawful under this Ordinance for use or occupancy as a residence until:
  - a. Access to the dwelling has been provided by a minimum of two (2) exterior doors, either on the front and rear or the front and side elevations;
  - b. Any addition needed to comply with the minimum requirements of this Section and Ordinance has been completed;
  - c. Establishment of an integrated core living area;
  - d. Installation of all exterior finish materials, including siding and roofing; and
  - e. Proof of issuance of a Certificate of Occupancy under the State Construction Code enforced by Gladwin County has been provided to the Township.

**B. Waterfront Access.**

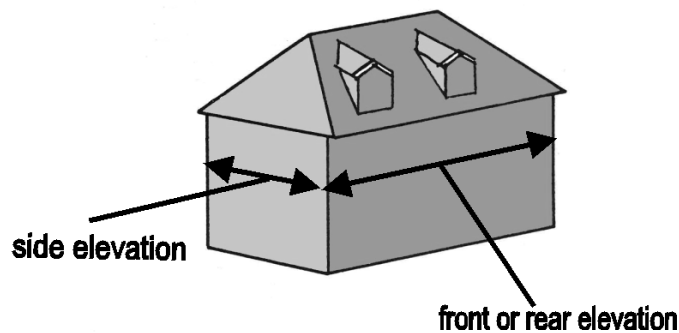
Dedicated or common access to and use of parcels of land contiguous to a lake or pond (either natural or an impoundment) by residents of single-family dwelling units shall be subject to the standards of Section 11.05 (Riparian Lot Regulations).

**C. Additional Standards for the A-1 (Agriculture-Conservation) District.**

Single-family dwellings shall be permitted in the A-1 (Agriculture-Conservation) District on lots less than 40 acres in lot area, provided that the following additional conditions are satisfied:

1. The dwelling shall be located on a lot that is one (1) acre or larger in lot area.
2. The Zoning Administrator shall verify that the proposed dwelling shall not cause the average residential density of the quarter-section in which it is located to exceed one (1) dwelling unit per 40 acres of land.

**ILLUSTRATION**



**Dwelling Elevations**

## SECTION 5.300 COMMUNITY USES

### Section 5.301 Cemeteries.

Cemeteries and similar uses shall be subject to the following:

1. **Ingress and egress.** All access shall be provided from a public road classified as a state highway or county primary road by the Township's Master Plan, or county or state road authorities.
2. **Screening.** All sides of the cemetery shall be screened from abutting residential districts or existing residential uses, and secured by a continuous fence or wall, per Section 8.04 (Methods of Screening and Buffering).
3. **Setback.** all crypts, mausoleums, and other buildings containing bodies or remains, other than a subterranean grave, shall be located at least 100 feet from the nearest lot line.
4. **Continuity.** The location of such facility shall not disrupt the convenient provision of utilities to adjacent properties, nor disrupt the continuity of the public road system.
5. **Compliance.** An approved cemetery shall comply with all federal, state and local laws, and applicable regulations of the State of Michigan.

### Section 5.302 Child Day Care Centers, Group Child Day Care Homes, and Adult Foster Care Large Group Homes.

The following regulations shall apply to group day care homes, child day care centers, and adult foster care large group homes:

#### A. Licensing.

In accordance with applicable state laws, all child care facilities shall be registered with or licensed by the State of Michigan, and shall comply with the minimum standards outlined for such facilities.

#### B. Outdoor recreation Area.

A minimum of 150 square feet of outdoor recreation area shall be provided and maintained per person at the licensed capacity of the facility, provided that the overall area shall not be less than 5,000 square feet. The outdoor recreation area shall be suitably fenced, secured, and screened from abutting residential uses in accordance with Section 8.04 (Methods of Screening and Buffering).

**C. Pick-up and Drop-off.**

Adequate areas shall be provided for employee and resident parking, and pick-up and drop-off of children or adults, in a manner that minimizes pedestrian-vehicle conflicts, and allows maneuvers without affecting traffic flow on the public road.

Such uses shall have frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan, or county or state road authorities.

**D. Separation Requirements.**

New group child day care homes shall be located a minimum of 1,500 feet from any other state licensed residential facility, as measured between the nearest points on the property lines of the lots in question. The Planning Commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood, or in the Township overall.

**E. Hours of Operation.**

Day care facilities in residential districts or accessory to a residential use shall operate a maximum of 16 hours per day.

**Section 5.303 Institutional Uses.**

The following shall apply to all educational, social and religious institutions, public and private elementary and secondary schools, institutions for higher education, auditoriums, and other places for assembly, and centers for cultural activities:

**A. Height of Structure.**

The maximum height of the principal building shall be permitted to exceed the maximum height requirements of the district up to a maximum height of 50 feet, provided that the minimum required front, side and rear yard setbacks shall be increased to equal the height of the building wall abutting each yard.

The highest point of chimneys, stage towers of scenery lofts, church spires, cupolas, and domes may be erected to a height not exceeding twice the height of the building, provided that no such structure shall occupy more than twenty percent (20%) of the roof area of the building.

**B. Frontage and Access.**

Institutional uses shall have frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan, or county or state road authorities.

**Section 5.304 Public Utility and Essential Service Structures and Uses.**

The following shall apply to all public utility and essential service structures and uses:

**A. Location.**

Where feasible, utility structures and public service buildings shall be located so as to not hinder the development of the area or detract from the value of adjoining development.

**B. Use Standards.**

Such uses shall not create a health or safety hazard, a nuisance, or have deleterious impact on the surrounding area either due to appearance or operation. In no case shall access to a solid waste transfer station be provided within or directly abutting the boundary line of a residential district.

**C. Site Development Standards.**

1. **Design.** All such uses shall be contained in structures that are architecturally compatible with structures in the vicinity. The Planning Commission may require screening in accordance with Section 8.04 (Methods of Screening and Buffering).
2. **Security fencing.** Security fencing is permitted, subject to the requirements of Section 6.102 (Fences).
3. **Outdoor storage.** No outdoor storage is permitted unless expressly permitted in the district where the facility is located.
4. **Setbacks.** A minimum setback of 50 feet shall be provided for the facility from all lot boundaries.

**Section 5.305 Recreation, Indoor and Outdoor**

Public and private noncommercial recreational areas, recreation centers, and swimming pool clubs, bowling establishments, indoor archery ranges, firing ranges, indoor tennis courts, indoor skating rinks or hockey rinks, indoor skate parks, indoor firing ranges, indoor soccer arenas, and similar recreation uses shall comply with the following:

1. **Lot area.** Minimum site area shall be three (3) acres.
2. **Screening and security.** The Planning Commission may require a fence up to six (6) feet in height around the perimeter of the site, and may require screening from road rights-of-way and abutting residential uses in accordance with Section 8.04 (Methods of Screening and Buffering).
3. **Access.** The proposed use shall have frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan, or county or state road authorities.
4. **Setbacks.** Minimum setbacks of 50 feet shall be provided for the facility from all lot boundaries, and 100 feet from any residence or residential zoning district.
5. **Swimming pools.** Whenever a swimming pool is constructed under this Section, the pool area shall be enclosed with a protective fence six (6) feet in height, and entry shall be provided by means of a controlled gate.

6. **Use standards.** The location, design, and operation of an indoor recreation use shall not adversely affect the continued use, enjoyment, and development of adjacent properties. In considering this requirement, particular attention shall be focused on the adverse impact resulting from loitering on the premises. The Planning Commission may limit hours of operation, and may impose other conditions as necessary to control noise and other off-site impacts.

## **SECTION 5.400 OFFICE AND SERVICE USES**

### **Section 5.401 Funeral Homes and Mortuaries.**

The following regulations shall apply to funeral homes and mortuaries:

1. **Assembly area.** An adequate assembly area shall be provided off-street for vehicles to be used in funeral processions. All maneuvering areas and exit aprons shall be located within the site. Roads and alleys shall not be used for maneuvering or parking of vehicles.
2. **Screening.** The service and loading area shall be obscured from adjacent residential areas in accordance with Article 14 (Landscaping and Screening).
3. **Caretaker's Residence.** A caretaker's residence may be provided within the principal building as an accessory dwelling unit, or on the site as a detached single-family dwelling subject to the following:
  - a. The requirements of Section 5.210 (Single Family and Two-Family Dwellings, Detached).
  - b. The dimensional standards of the R-1 (Single Family Residential) District, as specified in Article 4 (Dimensional Standards).
4. **Crematoriums.** Crematoriums are an INDUSTRIAL, RESEARCH, AND LABORATORY USE subject to the use standards of Article 3 (Land Use Table) and Section 5.402 (Intensive Industrial Operations).

### **Section 5.402 Hospitals.**

The following regulations shall apply to hospitals:

1. **Frontage and access.** Hospitals shall have frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan, or county or state road authorities.
2. **Setbacks.** The principal building and all accessory buildings shall be set back a minimum distance of 100 feet from any property line for all two (2) story buildings. For every story over two (2), the minimum yard distance shall be increased by 20 feet. The Planning Commission may reduce the setback requirements in exchange for enhanced screening.
3. **Screening.** Ambulance, emergency entrance areas, and loading areas shall be effectively screened from view from all adjacent residential uses by the building design, landscaping, or a masonry wall.
4. **Accessory uses.** Accessory uses, such as a pharmacy, gift shop, cafeteria, place of worship, and similar uses shall be allowed within the principal building(s) for the



exclusive use of patients, employees and their guests. No exterior signs of any type are permitted for these accessory uses.

### **Section 5.403 Therapeutic Massage.**

Massage therapy clinics and uses shall be subject to the following conditions:

1. Hospitals, sanitariums, nursing homes, medical clinics or the offices of physicians, surgeons, chiropractors, osteopaths, psychologists, clinical social workers or family counselors who are licensed to practice in the state shall be permitted to provide massage therapy services as an accessory use within the principal building.
2. All massage therapists shall be licensed (where such licenses are available), and shall be certified members of the American Massage and Therapy Association or International Myomassethics Federation. Proof of such licenses or certifications shall be provided to the Township.
3. All activities that meet the definition of an adult use or sexually-oriented business shall be prohibited.

## SECTION 5.500 COMMERCIAL USES

### Section 5.501 Big Box Commercial Uses.

Retail Stores and COMMERCIAL USES with 50,000 square-feet or more of gross floor area, including supermarkets, home improvement stores, wholesales stores, and shopping centers shall be subject to the following:

1. **Access and circulation.** A traffic impact study shall be required, per Section 7.12 (Traffic Impact Studies). Sites shall have frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan, or county or state road authorities. The design shall ensure that vehicular circulation patterns are appropriately designed to eliminate potential conflicts between traffic generated by the site, and traffic and adjacent roads. The number and location of curb cuts shall be the minimum necessary to provide adequate access to the site.
2. **Shopping center outlots.** The site design, circulation, parking layout and building architecture of any outlots in a multi-tenant shopping center shall be complementary to and fully integrated with the design of the overall site. Separate curb cuts for any outlots shall be prohibited, except where determined necessary by the Planning Commission.
3. **Screening.** Screening shall be required from adjacent residential districts in accordance with Section 8.04 (Methods of Screening and Buffering), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.
4. **Loading areas.** Loading/unloading of merchandise or equipment, and trash disposal or compaction shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. Trucks or trailers parked at a loading dock may be unloaded onto the loading dock between the hours of 10:00 p.m. and 7:00 a.m., provided that all activity occurs inside the truck or trailer or within the building.
5. **Pedestrian access.** A six (6) foot wide concrete sidewalk shall be provided through the parking lots to all public entrances in a manner that effectively separates pedestrians from vehicular traffic. Driveway crossings shall be clearly delineated with pavement striping.

### Section 5.502 Car Washes.

Automobile and truck wash facilities shall be subject to the following:

#### A. Use Standards.

1. All washing facilities shall be completely within an enclosed-building.

2. Vacuuming facilities shall be prohibited within the front yard, and shall be set back a minimum of 100 feet from any residential district. Where such facilities are located in a side or rear yard abutting a road, screening shall be provided in accordance with Section 8.04 (Methods of Screening and Buffering).
3. Exit lanes shall be sloped to drain water back to the wash building or to drainage grates.
4. The use of steam in the cleaning process shall be permitted when confined within an enclosed building.

**B. Ingress/Egress.**

Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives or traffic generated by other buildings or uses.

1. Public roads shall not be used for maneuvering or parking by vehicles to be serviced by the car wash. Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent public road.
2. All maneuvering areas, stacking lanes, and exit aprons shall be located within the car wash lot.

**C. Screening.**

Screening shall be required from adjacent residential districts in accordance with Section 8.04 (Methods of Screening and Buffering), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.

**Section 5.503 Drive-in or Drive-through Facilities.**

Drive-in and drive-through lanes, facilities or establishments shall be subject to the following:

1. **Driveway spacing.** Ingress and egress points shall be located no closer than 60 feet from the intersection of any two (2) public roads.
2. **Setback.** The drive-through facility shall be set back a minimum of 100 feet from abutting residential districts or existing residential uses.
3. **Screening.** Screening shall be required from adjacent residential districts in accordance with Section 8.04 (Methods of Screening and Buffering), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.

**Section 5.504 Motor Vehicle Service Centers and Repair Garages, and Gasoline Service Stations.**

The following regulations shall apply to automobile, truck and other motor vehicle fueling (gas) stations, repair garages, and service centers:

**A. Use Standards.**

1. **Repair and service use limitations.** All equipment and service bays, hoists, pits, and other facilities shall be entirely within an enclosed building, and all repair work shall be conducted completely within an enclosed building. Repair stations shall not be permitted on sites immediately adjacent to any residential zoning district or use.
2. **Noise and odors.** There shall be no external evidence of service and repair operations, in the form of dust, odors, or noise, beyond the interior of the service building. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of odors. Building walls facing any residential districts or uses shall be of masonry construction with sound proofing.
3. **Traffic impacts and pollution prevention.** The applicant shall submit a Pollution Incidence Protection Plan (PIPP) describing measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins and automatic shut off valves.
4. **Storage.** The storage, sale, rental or display of new, used, inoperable, wrecked or partially dismantled automobiles, trucks, trailers, and any other vehicles, vehicle components and parts, materials, commodities, supplies or equipment on the premises is prohibited except in conformance with the requirements of this Section and Ordinance:
  - a. Outdoor storage shall be prohibited accessory to a fueling (gas) station, unless separate approval has been granted for a vehicle repair use.
  - b. Suitable containers shall be provided and utilized for the disposal of used parts or materials, which shall be stored at least 18 inches above the ground and such containers shall be screened from public view.
  - c. Inoperable vehicles shall not be stored or parked outside for a period exceeding ten (10) days for repair stations and 24 hours for service centers. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.

**B. Pump Island Canopy.**

1. The proposed clearance of any pump island canopy shall be noted on the site plan, along with any signs, logo or identifying paint schemes on the canopy.
2. All lighting fixtures under the canopy shall be fully recessed into the canopy structure. The Planning Commission may permit a maximum intensity of 20.0 footcandles for lighting under the canopy as part of site plan approval, provided that site lighting is otherwise in compliance with Article 10 (Exterior Lighting).

**C. Lot and Setback Standards**

1. **Minimum lot area.** The minimum lot area for such uses shall be 15,000 square feet.

2. **Minimum lot width.** The minimum lot width for such uses shall be 150 feet.
3. **Minimum setbacks.** Buildings shall comply with the setback requirements for the district in which the use is located. However, a minimum setback of 40 feet shall be maintained on all sides that abut property that is zoned or used for residential purposes.
4. **Minimum setback from road rights-of-way.** Pump islands and canopies shall comply with the following requirements:
  - a. Nearest Edge of Pump Island: 25 feet
  - b. Nearest Edge of Unenclosed Canopy: 20 feet

**D. Ingress and Egress.**

Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance because of its location in relation to other ingress and egress drives or its location in relation to the traffic generated by other buildings or uses.

**E. Screening.**

1. All wrecked or damaged vehicles shall be screened from public view, and shall not be parked or stored within any front yard area.
2. Open service bays and overhead doors shall not face on to adjacent residential districts, or public or private roads unless screened in accordance with Section 8.04 (Methods of Screening and Buffering).
3. Outdoor storage of parts or materials shall be screened in accordance with Section 8.04 (Methods of Screening and Buffering).

**Section 5.505 Outdoor Sales or Display Areas.**

Outdoor sales or display areas for sales or rentals of motor vehicles, recreational vehicles, building supplies, equipment, boats, merchandise or similar items shall be subject to the following:

**A. Use Standards.**

1. **Servicing of Vehicles.** Vehicle service and repair activities shall be subject to the standards of Section 5.504 (Motor Vehicle Service Centers and Repair Garages...).
2. **Broadcasting Devices Prohibited.** Devices for the broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited outside of any building.
3. **Location.** The location of all sales activity and the display of all merchandise shall be maintained in the area specified on an approved plan. No sales activity or display of merchandise shall be permitted in the public right-of-way or any required setback.

4. **Hours of operation.** Where the use abuts a residential district, the maximum hours of operation shall be limited to between the hours of 9:00 a.m. and 9:00 p.m., Monday through Friday; and between 10:00 a.m. and 5:00 p.m. on Saturdays.

**B. Site Standards.**

1. **Setbacks.** Outdoor sales or display areas shall be set back a minimum of ten (10) feet from any parking area, driveway or access drive, and 20 feet from any road right-of-way. No outdoor sales area shall be located within 50 feet of any residential district or use.
2. **Exterior lighting of outdoor sales or display area.** The Planning Commission may permit a maximum intensity of 20.0 footcandles for lighting within the outdoor sales or display area, provided that site lighting is otherwise in compliance with Article 10 (Exterior Lighting).
3. **Signs.** Additional signs shall not be permitted beyond those permitted for the principal use.
4. **Sidewalk standards.** The proposed activity shall be located so as to ensure safe vehicular and pedestrian circulation.
5. **Grading, surfacing, and drainage.** Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or bituminous material, and shall be graded and drained so as to effectively dispose of or retain surface waters.
6. **Screening.** Such sales or display area shall be screened from adjacent residential districts in accordance with Section 8.04 (Methods of Screening and Buffering),



## **SECTION 5.600**

### **INDUSTRIAL, RESEARCH & LABORATORY USES**

#### **Section 5.601 Hazardous Materials Storage.**

Such uses shall comply with all standards of this Ordinance, and all standards established by the U.S. Environmental Protection Agency, U.S. Department of Agriculture, Michigan Department of Environmental Quality, Michigan State Police, Central Michigan District Health Department, and other agencies with jurisdiction. The applicant must supply the following documentation with any plan submitted for review:

1. Description of all planned or potential discharges of any type of wastewater to a storm sewer, drain, river, stream, wetland, other surface water body or into the groundwater.
2. Description of storage area for any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.
3. Description of any transportation, on-site treatment, cleaning of equipment, and storage or disposal of hazardous waste or related containers.
4. Description of all secondary containment measures, including design, construction materials and specifications, and security measures
5. Description of the process for maintaining and recording of all shipping manifests.

#### **Section 5.602 Intensive Industrial Operations.**

Intensive industrial operations shall be subject to the following:

1. **Setbacks and screening.** Sites shall not be located within 500 feet of any residential district or use, and shall be screened from all road rights-of-way and abutting uses in accordance with Section 8.04 (Methods of Screening and Buffering).
2. **Parking and loading.** All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
3. **Impact assessment.** The applicant shall submit an impact assessment describing the expected impacts associated with the use and any mitigation measures to be employed.



### **Section 5.603 Outdoor Storage of Equipment, Products, Machinery, Lumber, Landscaping and Building Supplies, or Similar Items.**

All outdoor storage areas must comply with the following:

1. **Screening.** The storage area shall be enclosed within a solid wall or fence at least six (6) feet and no more than eight (8) feet in height, per Section 6.201 (Fences). The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 8.04 (Methods of Screening and Buffering).
2. **Setbacks.** Any storage area shall comply with the minimum setback requirements for the district in which the facility is located, and no storage shall be permitted in any required setback areas.
3. **Use standards.**
  - a. No junk or junk vehicles shall be stored.
  - b. The storage of soil, fertilizer and similar loosely packaged materials shall be contained and covered to prevent them from blowing into adjacent properties.
  - c. Any outside storage area shall be paved or surfaced with hard surface material, and shall include an approved storm water drainage system.
  - d. No trailer, manufactured home or truck trailer shall be stored or used for storage.
  - e. No materials shall be stored above the height of the required wall or fence.

### **Section 5.604 Outdoor Storage, Dismantling or Recycling of Motor Vehicles, Recreational Vehicles, Boats Manufactured Houses, and Similar Items.**

Junkyards, salvage yards, and similar outdoor vehicle storage, dismantling or recycling facilities shall be subject to the following:

1. **Minimum lot size and setbacks.** Sites shall have a minimum lot area of ten (10) acres. The enclosed outdoor storage, dismantling or recycling area shall be set back a minimum of 100 feet from the front lot line, and 20 feet from the rear and side lot lines.
2. **Location.** Junkyards, salvage yards and similar facilities shall be located not less than 500 feet from any residential district.
3. **Screening.** The storage area shall be enclosed within a solid wall or fence at least six (6) feet and no more than eight (8) feet in height, per Section 6.201

(Fences). The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 8.04 (Methods of Screening and Buffering).

4. **Use standards.** The applicant shall demonstrate that the use will comply with all state and federal regulations, the requirements of this Ordinance, and the following:
  - a. Stored materials shall not be stacked higher than the height of the screening wall. Materials shall not be stored, loaded, unloaded, or dismantled outside the wall enclosing the yard. No vehicle, vehicle bodies, or other materials shall be stored in a manner visible from abutting lots or road rights-of-way.
  - b. Materials shall be stored in rows with a minimum 20 foot wide continuous loop drive separating each row.
  - c. All batteries shall be removed and all radiator and fuel tanks drained prior to placing any vehicles in the storage yard. Salvaged batteries, oil and other such substances shall be immediately removed by a licensed disposal company.
  - d. The crushing of vehicles or any part thereof shall be limited to between 8:00 a.m. and 7:00 p.m., Monday through Saturday.

## **Section 5.605 Recycling Collection Facilities and Composting Centers.**

Recycling facilities and composting centers shall be subject to the following:

1. **Use standards.** Such facilities shall be limited to the collection of recyclable materials for processing at another site. No such facility shall be used as a garbage transfer site. All storage of recycled materials shall be within appropriate containers that have adequate and convenient access, with lockable lids and doors. No materials shall be stored above the height of the required wall or fence.
2. **Setbacks.** Composting operations shall be at least 500 feet from any residential district or use. All composting operations shall be at least 200 feet from the boundary of any lake, stream, drain, wetland or other surface water body.
3. **Impacts.** The applicant shall submit an impact assessment describing the expected odors, aesthetics, environmental impacts, vehicular and truck traffic impacts associated with the use, and any mitigation measures to be employed. The applicant shall describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater.
4. **Screening.** The facility shall be enclosed within a solid wall or fence at least six (6) feet and no more than eight (8) feet in height, per Section 6.201 (Fences). The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 8.04 (Methods of Screening and Buffering).

## **Section 5.606 Self-Storage Warehouses.**

The following regulations shall apply to self-storage warehouses:

### **A. Lot Area.**

The minimum lot area for mini-warehouses shall be two (2) acres.

### **B. Permitted Use.**

Self-storage-warehouse establishments shall be limited to storage of household goods and non-hazardous commercial goods. Storage of recreational vehicles and recreational equipment shall be subject to the following:

1. Such storage shall be incidental to the main use of enclosed storage.
2. Such storage shall be located to the rear of the lot and subject to any additional screening as determined by the Planning Commission at site plan review.
3. All such recreational vehicle and equipment storage must be operable and licensed to operate on the highways of the State of Michigan.

### **C. Screening.**

Sites shall be visually screened from all road rights-of-way and abutting uses in accordance with Section 8.04 (Methods of Screening and Buffering).

### **D. Caretaker's Residence.**

A caretaker's residence may be provided within the principal building as an accessory dwelling unit, or on the site as a detached single-family dwelling subject to the following:

1. The requirements of Section 5.210 (Single Family and Two-Family Dwellings, Detached).
2. The dimensional standards of the R-1 (Single Family Residential) District, as specified in Article 4 (Dimensional Standards).

### **E. On-Site Circulation.**

All internal circulation routes shall be at least 24 feet wide.

## **Section 5.607 Slaughter Houses, Rendering Plants, Tanneries, Stock Yards, Glue Factories, Soap Factories, Oil Refineries or Other Similar Factories.**

Such uses shall be subject to the following:

1. **Separation requirements.** The above uses shall be located at least 1,000 feet from any residential district or use, and 150 feet from any non-residential district boundary, except slaughtering, rendering and penning uses. All slaughtering, rendering and penning (only such animals that are to be slaughtered on premises) shall be located at least 1,000 feet from any other zoning district boundary.

2. **Sanitation requirements.** The waste and by-products obtained from the slaughtering operations conducted on the premises may be transported to some other location to be rendered. No rendering shall be permitted on products originating outside of the slaughter house, and only dry rendering processes shall be used. All sanitary facilities shall be approved by the Central Michigan District Health Department or other agency with jurisdiction, and all waste and manure shall be removed daily.
3. **Parking and loading.** All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
4. **Impacts.** The applicant shall submit an impact assessment describing the expected odors, aesthetics, environmental impacts, vehicular and truck traffic impacts associated with the use, and any mitigation measures to be employed.



## **SECTION 5.700 TEMPORARY, SPECIAL EVENT, AND OTHER USES**

### **Section 5.701 Adult Entertainment Uses.**

Adult entertainment uses, as defined in the Billings Township Adult Entertainment Business Ordinance (Ord. No. 03-08-99-2), shall be subject to the provisions of this Zoning Ordinance, the Adult Entertainment Business Ordinance (Ord. No. 03-08-99-2), and any amending or superceding ordinance.

### **Section 5.702 Correctional Facilities.**

Correctional facilities, including juvenile detention facilities, shall be subject to the following:

1. Sites shall have a minimum lot area of 40 acres.
2. All structures shall be set back at least 100 feet from all lot boundaries and road rights-of-way.
3. Structures over 30 feet in height shall be set back one (1) additional foot for each foot of height over 30 feet.
4. Site shall have at least one property line abutting a county primary road.
5. All access to the off street parking area shall be directly from the county primary road.

### **Section 5.703 Home Sales.**

Sales of personal property from a residential dwelling may occur not more than three (3) times per year for a period not to exceed four (4) days for each occurrence.

### **Section 5.704 Mining and Extraction Uses.**

The purpose of these requirements is to provide for the use of lands that have significant gravel, sand or other deposits for mining or extraction purposes in a manner that complies with the regulations of this Ordinance, would not constitute a hazard to the public health, safety and welfare, and would result in reclamation of the land in a suitable manner for other purposes. Natural resources extraction, and sand, gravel, clay, and topsoil mining or removal shall be subject to the following:

1. **Area.** The minimum site size shall be 40 acres, with a minimum road frontage of 250 feet.
2. **Application information.** The following information shall be provided with an application for approval of a mining or extraction use:
  - a. Name and address of the person, firm or corporation who or which will be conducting the actual operation.

- b. Location of the processing plant or buildings, whether on-site or off-site.
  - c. Type of materials or resources to be removed or to be brought to the site.
  - d. Proposed method of removal or filling, or incineration, general haul route, and whether blasting or other use of explosives will be required.
  - e. General description of equipment to be used.
  - f. The total area (expressed in acres) and volume proposed to be excavated or mined.
  - g. An operations plan, which shall include a chronological plan for a extractive use and all other land disturbing activities, and the restoration of the site to a usable condition for agriculture or development.
  - h. A reuse plan shall be provided, which shall include proposed grading and landscape plans; a description of land use activities proposed for the site following completion of mining or extraction operations; and a description and location of the roads, drainage, utilities, and other facilities required to serve the uses.
  - i. Identification of the planned date for completing the operation, based upon the volume of material to be extracted and the average annual extraction rates. All Township approvals shall expire upon that date. Any extension of operations beyond that date shall require review and approval of a new mining and extraction application.
3. **Impacts.** The applicant shall submit an impact assessment describing the expected odors, dust, and noise impacts, environmental impacts, and truck traffic impacts associated with the use, and any mitigation measures to be employed. The applicant shall describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater.
4. **Setbacks.** The following minimum setback standards shall apply:
- a. All structures, fixed equipment, and machinery shall be set back a minimum of 200 feet from all property lines and 500 feet from any residential districts or uses existing at the time of application for a permit.
  - b. No mining, excavation, stockpiling of material, or processing or removal activities shall take place less than 200 feet from all property lines and road rights-of-way, and 500 feet from any residential districts or uses. The Planning Commission may approve a reduction in this setback requirement upon determining that proposed lateral support will adequately protect abutting property, and may require additional setback area upon determining that additional setback area is necessary to adequately protect adjacent property, or to reduce or raise the final elevation to the existing elevation of the road.

5. **Screening and security.** To minimize public hazards and ensure compatibility with surrounding uses, the Planning Commission may require fencing, walls, berms, and other measures to secure and screen the use from abutting road rights-of-way and uses.
6. **Reuse.** Reclamation and rehabilitation of mining and landfill areas in accordance with the Reuse Plan shall be accomplished as soon as practicable following the mining or excavation of an area. Where possible, such rehabilitation and reclamation shall be accomplished concurrently with the mining or excavation operations. Substantial completion of reclamation and rehabilitation shall be effected within two (2) years after termination of mining or excavation activity. Inactivity for a 365 calendar day consecutive period shall constitute termination of mining activity.
7. **State and federal requirements.** Proof of all required outside agency approvals or permits shall be provided to the Township prior to the start of work on the site. The owner or agent shall obtain and maintain compliance with a Michigan Soil Erosion and Sedimentation Control Act Permit (Act 347).
8. **Access and circulation.** Truck routing shall be restricted to those roads designed to accommodate truck traffic on a year-round basis. All roads used for the purpose of ingress and egress shall be kept dust free by hard-topping with cement, bituminous substance or chemical treatment.
9. **Use standards.** Such uses shall comply with the following:
  - a. Creation of a lake or pond shall only be permitted where the applicant can demonstrate using engineering and hydrological studies that the water can be maintained in a non-polluted condition, and that the applicant meets any requirements of the State of Michigan. To protect water wells and the water supply of the Township, the pumping or drainage of water from such quarrying operations shall be prohibited.
  - b. No topsoil shall be removed from the site, and all topsoil shall be redistributed properly upon completion of the extractive activities, or phase thereof.
  - c. The slopes of the banks during excavation shall not exceed seven (7) feet horizontal to one (1) foot vertical, which shall be maintained and extended into any ponded water to a depth of ten (10) feet.
  - d. Excavated areas shall be restored so that no finished grade is greater than one (1) foot of vertical rise in three (3) feet of horizontal distance. A vegetative cover consisting of appropriate grass types shall be established on all graded areas to minimize soil erosion. All slopes shall be treated in conformance with the Michigan Soil Erosion and Sedimentation Control Act.
10. **Performance guarantee.** A performance guarantee shall be required, subject to the requirements of Section 1.09 (Fees and Performance Guarantees), to



ensure that all work, including site reclamation, is completed in accordance with the standards of this Section.

### **Section 5.705 Racetracks.**

Racetracks and similar entertainment facilities shall be subject to the following:

1. **Frontage and access.** Racetracks and similar entertainment facilities shall have frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan, or county or state road authorities.
2. **Accessory uses.** Retail, restaurant, office, and service uses may be permitted within the racetrack facility for the exclusive use of patrons, employees, and guests.
3. **Screening.** The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 8.04 (Methods of Screening and Buffering). The racetrack, grandstands, and service areas shall be enclosed within a solid wall or fence at least six (6) feet and no more than eight (8) feet in height, per Section 6.201 (Fences).
4. **Setbacks.** All structures and racetrack facilities shall be set back a minimum of 500 feet from all lot boundaries and road rights-of-way, and a minimum of 1,000 feet from the boundary of a residential zoning district or lot occupied by a residential use.
5. **Parking and loading.** All parking, loading and maneuvering space shall be contained within the site.
6. **Impact assessment.** The applicant shall submit an impact assessment describing the expected impacts associated with the use and any mitigation measures to be employed. At a minimum, the assessment shall address the following:
  - a. Anticipated levels and costs of necessary public services (police, fire, water, sewer, etc.) associated with the proposed racetrack use. Any additional public services not currently available shall be identified, along with proposed measures to secure such services.
  - b. Anticipated noise levels shall be provided by the developer at the lot boundaries, road rights-of-way, and at set intervals up to 1,000 feet away; along with details of any proposed noise mitigation measures.
  - c. Anticipated traffic impacts, including operational plans to ensure that traffic to and from the site does not adversely impact public roads, or the public health, safety or welfare.
  - d. Any other anticipated impacts of the proposed use.

7. **Insurance certificate.** The applicant shall submit a valid certificate of insurance, to be renewed annually, listing the Billings Township as the certificate holder and naming the Billings Township, its past, present and future elected officials, representatives, employees, boards, commissions and agents as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail thirty days written notice to the Township as certificate holder. The Township may require the applicant to supply a \$1,000.00 cash bond to the Township, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.

## **Section 5.706 Sanitary Landfills.**

Sanitary landfills, dumping and sewage disposal facilities shall be subject to the following:

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

1. **Design and operation standards.** Any such use shall conform to current standards established by the U. S. Environmental Protection Agency, the U. S. Department of Agriculture, the Michigan Department of Environmental Quality and other regulatory agencies.
2. **Impacts.** The applicant shall submit an impact assessment describing the expected odors, dust, and noise impacts, environmental impacts, and truck traffic impacts associated with the use, and any mitigation measures to be employed. The applicant shall describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater.
3. **Landfills and dumping.**
  - a. **Intent.** These regulations are established to control the storage, piling, placing, or dumping of garbage, sewage, refuse, trash, debris, rubbish, or other waste in the Township, including landfills.
  - b. **Scope of application.** No person shall pile, place, store, dump, bury, dispose of, or keep in open containers on any land within the Township any garbage, sewage, refuse, trash, debris, rubbish or other solid waste, including cans, bottles, waste paper, cartons, boxes, crates, or other offensive or obnoxious matter, except in strict conformity with the provisions of this Ordinance. In no instance shall any landfill, dump, parcel of land, or other facility be used for the disposal of gasoline, tanks containing gasoline, or hazardous substances, unless the landfill is specifically licensed to accept such material.
  - c. **Exceptions.** These provisions shall not prevent the reasonable use of fertilizers, manure and similar materials for improvement of land being lawfully utilized for farming purposes, provided that such use is carried out in a healthy and sanitary manner without creating a nuisance for the surrounding area.

4. **Permit requirements for landfills and dumping.**

- a. **Issuance.** A permit shall be required in all instances where landfill or dumping activity is proposed in the Township.
- b. **Review procedures.** Applications for landfill or dumping permits shall be reviewed in accordance with the procedures for special use approval, per Section 12.02 (Special Uses). Such approval shall be for a one (1) year period, and may be renewed for one (1) year periods unless the owner or operator violates any conditions of approval.
- c. **Performance guarantee.** To ensure conformance with the requirements specified herein, the Township may require the applicant or owner to provide a performance guarantee, in accordance with Section 1.09 (Fees and Performance Guarantees). The performance guarantee shall be held in escrow, and may be released to the applicant in proportion to the work completed on the various restoration activities, provided an inspection report has been submitted to the Township Engineer and approved by the Township Board. No more than ninety percent (90%) of the performance guarantee shall be returned until all work has been completed and inspected.
  - (1) The amount of the performance guarantee shall be reevaluated on an annual basis when the permit is renewed to insure that it is adequate to complete the project as proposed, based on current construction costs.
  - (2) The Township Board may approve a performance guarantee that covers less than the total site, provided that no excavation or dumping may take place in an area until a performance guarantee has submitted to assure proper completion of the activities proposed for the area.
- d. **Application requirements.** The following information shall be provided on an application for a landfill or dumping permit:
  - (1) **Aerial photography.** Vertical aerial photographs of the site, enlarged to a scale of one (1) inch equals 200 feet. The aerial photograph shall include all land included in the application, all contiguous land which is proposed to be used or has been used by the owner or operator, and all surrounding public roads.
  - (2) **Survey.** A metes and bounds survey of the subject site, prepared by a registered land surveyor and drawn to a scale of one (1) inch equals 200 feet. The survey shall include the boundary of the entire site and topography of the site at two (2) feet contour intervals.
  - (3) **Engineering report.** Report by a qualified soil scientist, soils engineer, or geologist regarding the effect of the proposed

operation on the watershed of the area. Particular attention should be focused on the potential pollution or contamination of groundwater.

- (4) **Master plan.** A detailed plan for the landfill, including a timetable for various stages of the operation. A specific timetable for dumping and restoration shall be included with each annual permit request.
  - (5) **Restoration plan.** A detailed restoration plan indicating how the area will be re-used in a manner compatible with the Township Master Plan. The restoration plan shall include the proposed use of the restored area and the proposed topography drawn at two (2) foot contour intervals.
  - (6) **Operating specifications.** A detailed description of operating procedures, so as to demonstrate conformance with the standards in sub-section 4, following.
5. **Standards.** All landfill and dumping activity shall be subject to the following standards:
- a. **Limits of approval.** All landfill and dumping activities shall be carried on within the boundary limits approved for such activities.
  - b. **Setbacks.** Landfilling, dumping, and stockpiling shall not be conducted closer than 100 feet to the approved outer boundary for the operation, and not closer than 500 feet to any property line that abuts a residentially zoned or used district. The required setback area may be used only for access roads and screening. All equipment for sorting, processing, storing, weighing, and other operations shall be located at least 300 feet from any public road right-of-way line or adjacent property line.
  - c. **Noise, dust, debris.** All processing equipment and activities and all storage areas shall be treated, covered, muffled, or otherwise controlled to prevent excessive noise, dust, debris, or other impacts beyond the property line. Any trucks hauling material to or from the site shall be enclosed or covered to prevent materials from blowing or falling out of the trucks.
  - d. **Road treatment.** All private access roads shall be paved or treated to create a dust-free surface. The operator shall work with the Township to minimize dust on public access roads serving the site.
  - e. **Frontage and access.** The subject site shall have a minimum of 250 feet of frontage on and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan, or county or state road authorities.
  - f. **Fencing.** Landfill and dumping operations shall comply with the following fencing requirements:

- (1) Where slopes steeper than 30 degrees exist for a period of one (1) month or more, the proposed operation shall be enclosed with a six (6) foot high chain link fence or similarly effective barrier located at least 50 feet outside the edge of the excavation area.
  - (2) Where collection of water greater than one (1) foot in depth occurs for a period of one (1) month or more in an area occupying 200 square feet or more, fencing shall be required as previously noted.
- g. **Slopes.** Finished slopes shall not exceed a grade of four (4) feet horizontal to one (1) foot vertical. These requirements shall be complied with as each phase of the excavation or dumping proceeds. The finished slopes shall be achieved within twelve (12) months after work has begun on any section.
  - h. **Topsoil and seeding.** Sufficient topsoil shall be stockpiled so that a minimum of two (2) feet of topsoil will be placed on the top of the finished operation. The topsoil shall be planted immediately with grass or other groundcover.
  - i. **Berms.** A ten (10) foot high berm with side slopes of no greater than four (4) feet horizontal to one (1) foot vertical shall be required around any active cell which is adjacent to a road or exterior property line. This requirement may be waived when the existing topography or other screening exists that would accomplish the purpose of the berm.
6. **Violations.** To insure compliance with these regulations, the Zoning Administrator shall conduct periodic inspections. In the event that a violation is found, the Zoning Administrator shall send a written notice to the permit holder. Failure to correct the violation within thirty (30) days shall automatically void the permit. No new permits shall be issued until the violation has been corrected.

## **Section 5.707 Temporary Uses.**

Temporary uses of land or structures in any zoning district shall be subject to the following:

### **A. Zoning Permit Required.**

Temporary events not exceeding a maximum of 72 hours per calendar year shall be allowed without zoning permit approval. Prior to establishing any other temporary use or structure in any zoning district, the property owner(s) and any operator(s) of a temporary use shall jointly secure a zoning permit in accordance with the standards of this Section and Section 1.08 (Zoning Permits).

### **B. General Standards.**

All permitted temporary uses and structures shall conform with the following:

1. No temporary use, event or structure shall constitute a nuisance under this Ordinance or have a detrimental impact on the use or enjoyment of surrounding or nearby property.

2. Temporary structures shall comply with the setback standards for the district in which they are located.
3. Adequate off-street parking shall be provided on the subject parcel(s). No parking shall be permitted within any road right-of-way or on any land other than the parcel(s) occupied by the temporary use.
4. All equipment and appurtenances associated with a permitted temporary use shall be removed from the site or stored within a completely enclosed structure when the temporary use or event is not in operation.

**C. Conditions of Permit Approval.**

In granting a zoning permit for the temporary use or structure, the Zoning Administrator shall stipulate in writing all conditions for the duration of approval period for the temporary use, nature of the uses permitted, and requirements for removal of the use at the termination of the approval period. The following conditions shall apply to all temporary uses:

1. A temporary use shall be permitted only if required public services, including police, fire, utility, sanitary and refuse services will be adequately provided without threat to public health, safety, and welfare. Costs for providing such services, to the extent they exceed the normal operating costs of the Township, shall be the full responsibility of the owner or operator of the temporary use.
2. An approved temporary structure and all equipment and appurtenances associated with a permitted temporary use shall be removed from the site and the site shall be cleaned-up and restored within 72 hours following expiration of the zoning permit approval period.
3. The property owner(s) shall furnish the Township with a cash bond of \$100.00 to ensure clean-up and restoration of the site, and removal of an approved temporary structure and all equipment and appurtenances associated with a permitted temporary use.
4. Proof of all necessary permits and approvals from Gladwin County, the Central Michigan District Health Department, and other agencies with jurisdiction shall be provided to the Zoning Administrator.
5. The granting of a zoning permit for the temporary use or structure shall in no way constitute a change in the basic uses permitted in the district or on the property wherein the temporary use is permitted.

**Section 5.708 Boathouses and Waterfront Structures.**

Boathouses, waterfront boardwalks and decks, seawalls, and other waterfront structures located partially or entirely on a waterfront lot or any land abutting a lake, river, or canal shall be subject to the following:

1. Such structures shall be located, designed, constructed, and maintained in accordance with current standards established by the State of Michigan, Department of Natural Resources, and other regulatory agencies with jurisdiction.
2. Proof of all outside agency permits and approvals shall be submitted to the Zoning Administrator, prior to the start of construction.
3. A minimum lot area of five (5) acres and a minimum lot width at the waterfront of 300 feet shall be required for construction of a new boathouse.
4. Boat hoists, lifts, and shore stations commonly used for care and removal of boats accessory to waterfront residences shall be exempt from this Section, and shall not be subject to special use approval.
5. Docks and similar improvements located on or under the surface of a lake, river, stream, canal, or similar body of water and with only incidental connection to the shoreline are not regulated by this Ordinance, but are regulated by the State of Michigan, Department of Natural Resources, and other regulatory agencies with jurisdiction.

### **Section 5.709 Volatile Farm-Based Bio-Fuel Production.**

In accordance with Section 3513 of the Michigan Zoning Enabling Act, limited, farm-based production of certain biofuels shall conform to the following requirements:

#### **A. General Standards.**

The following standards shall apply to all such facilities:

1. The biofuel production facility shall be accessory to and located on the same zoning lot as an active farm operation lawfully operating in the Township.
2. Biofuel production authorized by this Section shall be limited to a renewable fuel product, such as ethanol and bio-diesel, derived from recently living organisms or their metabolic byproducts. Farm-based production of methane or any fuel product from an anaerobic digester shall be prohibited.
3. No part of a biofuel production facility, including driveways and other site improvements, shall be located within any required yard setback area per Article 4.0 (Dimensional Standards). In addition, such facilities and improvements shall be set back a minimum of 100 feet from all lot boundaries and road rights-of-way.
4. Structures, facilities, and equipment used in the production or storage of biofuel shall comply with this Ordinance, other ordinances, and applicable state and federal laws and regulations.
5. Prior to the start of operation and upon any written request from the Township, the owner or operator of the biofuel production facility shall provide to the Zoning Inspector documentation of all necessary permits and approvals from applicable federal, state, and local authorities with jurisdiction over any of the following:

- a. Air pollution emissions.
  - b. Transportation of biofuel or another product or by-product of production.
  - c. Use or reuse of additional products resulting from biofuel production.
  - d. Storage of raw materials, fuel or additional products used in or resulting from biofuel production.
  - e. Verification that the facility includes sufficient storage for raw materials, fuel, and additional products resulting from biofuel production; or the capacity to dispose of additional products through land application, livestock consumption, sale or other lawful means.
  - f. Compliance with federal requirements associated with ethanol production of more than 10,000 proof gallons annually.
6. The operator of the facility shall keep a written record of the source(s) of the feedstock for the biofuel production facility, and the end users of the biofuel or another product or by-product produced by the biofuel production facility.
7. The operator of a facility with an annual production capacity of not more than 100,000 gallons of biofuel operating as a permitted use in the zoning district (without Special Use Permit approval) shall also provide an annual written report to the Zoning Administrator which demonstrates that:
- a. At least seventy-five percent (75%) of the feedstock was produced on the farm where the biofuel production facility is located; and
  - b. At least seventy-five percent (75%) of the biofuel or another product or byproduct produced by the biofuel production facility is used on that farm.

Operation of a biofuel production facility with an annual production capacity of not more than 100,000 gallons that does not conform to the percentage limitations of this subsection shall be subject to Special Use Permit approval in accordance with this Section and Ordinance.

**B. Additional Standards for Certain Facilities.**

In accordance with Section 3513 of the Michigan Zoning Enabling Act, the following additional standards shall apply only to biofuel production facilities with an annual production capacity of more than 100,000 gallons of biofuel, and to any biofuel production facility subject to Special Use Permit approval in accordance with this Section or Ordinance:

1. Such facilities shall be limited to a maximum annual biofuel production capacity of not more than 500,000 gallons.
2. Any application for approval of a such a facility shall include all of the following, in addition to the other applicable requirements of this Ordinance:



- a. A detailed description of the process to be used to produce the biofuel.
- b. The number of gallons of biofuel anticipated to be produced annually.
- c. An emergency access and fire protection plan, subject to review and recommendation by emergency response agencies serving the Township.
- d. Documentation of compliance with applicable requirements of this Ordinance, other ordinances, and state and federal laws and regulations.

**C. Limitations on Special Use Permit Review.**

Per Section 3513 of the Michigan Zoning Enabling Act, Township review of a Special Use Permit application for a biofuel production facility shall be modified as follows:

1. **60-day time limit for a public hearing.** For any Special Use Permit application subject to the requirements of this Section, the Planning Commission shall hold a public hearing on the application in accordance with Section 12.03 (Public Hearing Procedures) within 60 calendar days after the filing date of a complete and accurate application.

The application shall be deemed to have been rejected as incomplete if no public hearing is held within this 60 calendar day period. An application deemed incomplete per this subsection may be resubmitted as a new application for the purpose of completing the review process.

2. **Limitation on conditions of approval.** The Planning Commission's authority to impose conditions on the approval of a biofuel production facility subject to this Section shall be limited to conditions necessary to verify that the facility conforms to all of the requirements of this Section.

**Section 5.710 Medical Marijuana Caregiver.**

The Michigan Medical Marijuana Act allows under state law the medical use of marijuana, and provides for a system of registry identification cards and administrative rules for identifying qualified patients and primary caregivers. The intent of this subsection is to regulate medical marijuana caregivers in a manner that protects the public health, safety, and welfare; minimizes potential impacts on abutting land uses, neighborhoods, and the Township as a whole; and conforms to the requirements of the Michigan Medical Marijuana Act. The following standards shall apply to medical marijuana caregiver facilities and operations as authorized under the Michigan Medical Marijuana Act:

1. Establishment, enlargement or alteration of a medical marijuana caregiver facility or operation shall be subject to approval per Section 12.01 (Site Plan Review).
2. The medical marijuana caregiver facility and operation shall conform to the requirements of the Michigan Medical Marijuana Act and the general rules of the Michigan Department of Community Health as adopted under the Act. Documentation of compliance shall be provided to the Township with any application for approval under this Ordinance, and upon request by the Township in accordance with Section 1.11 (Enforcement).

3. A maximum of one (1) medical marijuana caregiver shall be permitted per zoning lot to assist up to a maximum of five (5) qualifying patients in any given calendar week with activities permitted under the Michigan Medical Marihuana Act.
  - a. The caregiver shall be limited to cultivation of a maximum of twelve (12) marijuana plants per qualifying patient, as authorized by the Michigan Medical Marihuana Act.
  - b. The medical marijuana caregiver shall be prohibited from operating in any manner that would meet the definition of a medical marijuana dispensary, per Section 18.02 (Definitions).
  
4. Nothing in this Ordinance is intended to apply to private cultivation and personal use of medical marijuana by a qualifying patient in accordance with the Michigan Medical Marihuana Act; grant immunity from criminal prosecution for growing, sale, consumption, use, distribution or possession of marijuana not in strict compliance with the Michigan Medical Marihuana Act and adopted general rules; grant immunity from prosecution under Federal laws; or shield patients or caregivers or owners of property on which medical marijuana is grown or used from having their property seized by Federal authorities under the U.S. Controlled Substances Act.



## ARTICLE 6 GENERAL PROVISIONS

### SECTION 6.100 ACCESSORY STRUCTURES AND USES

#### Section 6.101 Accessory Structures.

The following shall apply to all new accessory structures in the Township, and to alterations, renovations, expansions or other work that includes exterior changes to existing structures:

##### A. General Standards.

The following shall apply to accessory structures in all zoning districts:

1. **Timing of construction.** An accessory structure may be constructed or established on a parcel before or at the same time a principal building or use is being constructed or established on the same parcel of land.
2. **Zoning permit.** Accessory structures require approval of a zoning permit, unless specifically waived by the Zoning Administrator.
3. **Vehicle shelters.** Temporary or permanent carports and other vehicle shelters shall be considered accessory structures, and shall comply with the requirements of this Section.
4. **Location in proximity to easements or rights-of-way.** Accessory structures shall not be located within a dedicated easement or right-of-way.

##### B. Attached Accessory Structures.

Accessory structures attached to a principal building shall conform with the minimum required yard setbacks specified in Article 4 (Dimensional Standards).

##### C. Detached Accessory Structures.

Accessory structures not attached to a principal building shall be subject to the following:

1. **Front and rear yards.** Detached accessory structures in any front or rear yard area in any zoning district shall conform with the following standards:
  - a. All detached accessory structures shall be prohibited within any minimum required yard setbacks from road rights-of-way, as specified in Article 4 (Dimensional Standards).

- b. A maximum of one (1) detached accessory structure that is greater than 200 square feet but less than 800 square feet in floor area (such as a private garage) shall be permitted within a non-required front yard area or area between the front of a principal building or dwelling and any road rights-of-way, subject to the following:
  - (1) The structure shall be located outside of any minimum required yard setback from road rights-of-way.
  - (2) Exterior finish materials on the detached accessory structure shall match or be coordinated with existing finish materials on the principal building or dwelling.
  - (3) Exterior finish materials, including siding and roofing materials, shall be integrated around the entire structure prior to use or occupancy.
  - (4) The width of the structure as viewed from abutting road rights-of-way shall not exceed fifty percent (50%) of the lot width.
- c. Sheds and similar detached accessory structures that are less than 200 square feet in floor area shall also be subject to the following:
  - (1) Such structures shall be prohibited within any yard area between the front of the principal building or dwelling and any road rights-of-way.
  - (2) Such structures shall also be prohibited within the required front and rear yard areas of a waterfront lot.
  - (3) For non-waterfront lots, a maximum of one (1) shed less than 200 square feet in floor area shall be permitted within a required rear yard area, provided that the structure shall be set back a minimum of six (6) feet from the rear lot line.
- 2. **Side yards.** Sheds and similar detached accessory structures that are less than 200 square feet in floor area shall be set back a minimum of six (6) feet from all side lot lines. All other detached accessory structures shall conform with the minimum required side yard setbacks specified in Article 4 (Dimensional Standards).
- 3. **Corner lots and double-frontage lots.** Also see Section 4.201 (Front Yards) to determine how to apply yard standards to accessory structures located on a corner lot or double-frontage lot.
- 4. **Additional setbacks for large accessory structures.** Where a detached accessory structure's gross floor area exceeds the principal dwelling's ground floor area, the accessory structure shall conform with all minimum required yard setbacks specified in Article 4 (Dimensional Standards).
- 5. **Height.** Height of detached accessory structures shall conform to the following:

<b>MAXIMUM HEIGHT (feet)</b>	
Sheds and other detached accessory structures less than 200 square feet in floor area	12.0
Any detached accessory structure with a flat-roof	12.0
Private garages and other accessory structures 200 square feet or greater in floor area	18.0

**D. Temporary Accessory Structures and Uses.**

Temporary accessory structures and uses shall comply with the use standards of Article 3 (Land Use Table), and the design standards of Section 6.707 (Temporary Uses).

**E. Boathouses and Waterfront Structures.**

Boathouses and waterfront accessory structures shall comply with the use standards of Article 3 (Land Use Table), and the design standards of Section 5.708 (Boathouses and Waterfront Structures).

**F. Accessory Structures on Vacant Residential Lots.**

In the R-1 (Single-Family Residential) District, a maximum of two (2) detached accessory structures shall be permitted on a vacant lot, as defined in Section 18.02 (Definitions). This provision shall not apply to any lot associated with a principal dwelling on an abutting lot or located across a road right-of-way from a waterfront lot, provided that such lots are under the same ownership.

**G. Carports and Vehicle Shelters.**

The following additional standards shall apply to carports and vehicle shelters, including structures that are temporary in design or purpose:

1. Carports and vehicle shelters shall be securely anchored to prevent wind damage or displacement in a manner acceptable to the Zoning Administrator.
2. The internal structure and outer covering of carports and vehicle shelters shall be interconnected and secured in a manner acceptable to the Zoning Administrator.
3. Carports and vehicle shelters that are temporary in design or purpose shall not be electrified or climate-controlled.

**Section 6.102 Fences.**

All fences and similar enclosures shall conform to the following:

**A. General Standards.**

The following shall apply to fences in all zoning districts:

1. View obstructing fences over four (4) feet in height shall be set back a minimum of 25 feet from any road right-of-way.
2. Use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence shall be prohibited, except as follows:
  - a. Barbed or electric wire fences shall be permitted accessory to permitted Animal and Agricultural Uses in the A-1 (Agriculture-Conservation) District.
  - b. Barbed wire cradles may be placed on top of fences enclosing public utility and essential service uses in any zoning district.
  - c. The Zoning Administrator or Planning Commission may approve use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence where deemed necessary for security purposes or public safety.
3. It shall be unlawful to erect a fence consisting of tires, vehicle parts, rotting lumber, pallets, trash or any materials capable of providing habitat for pests or vermin.
4. Walls and fences shall comply with the unobstructed sight distance standards of Section 4.304 (Corner Clearance Areas).
5. Where one side of a fence or wall has a more finished appearance than the other, the side with the more finished appearance shall face the road or adjacent lots (see illustration).
6. All fences regulated by this Section shall be located within the lot boundaries. Such fences shall be prohibited within any public or private road right-of-way, the improved travelway or paved area of any established road, and within any established ingress/egress easement.
7. All metal fence components in the R-1 (Single-Family Residential) District shall be galvanized, painted, or otherwise treated and maintained in a rust-free condition. Fences adjacent to the boundary of a lot or road right-of-way in the R-1 District shall be limited to chain-link, ornamental, privacy, rail, and similar types of fence as permitted by this Section.

**B. Height.**

Fences shall not exceed six (6) feet in height, except where the Planning Commission may approve a taller fence for security purposes as part of site plan review.

1. Fence height shall be measured from ground level adjacent to the highest point of the fence. Fill shall not be used for the purpose of achieving a higher fence than otherwise permitted.
2. Where the grade is not level, the maximum fence height shall be equal to the average fence height within four (4) feet of any fence post (see illustration).

**C. Waterfront Lots.**

On waterfront lots, it is the intent of this Section that the location, height, and design of fences shall not obstruct views of the water. For this purpose, fences within the front yard of waterfront lots or within 25 feet of the ordinary high water mark of the stream, river, pond, lake or other body of water shall be subject to the following:

1. Privacy fences and other fences that would block vision through the fence to an extent greater than fifty percent (50%) shall be prohibited.
2. Ornamental fences, rail fences, chain-link fences, and similar types of fences that do not block vision through the fence to an extent greater than fifty percent (50%) shall be permitted.

**D. Maintenance.**

Fences and walls shall be maintained in good condition, so as not to endanger life or property. Such maintenance shall be the responsibility of the owner of the property on which the fence or wall is located. Rotten, crumbled or broken components shall be replaced, repaired, or removed, and exposed surfaces shall be painted, stained or similarly treated.

Any fence or wall which, through lack of repair, type of construction, or otherwise, imperils life or property, shall be deemed a nuisance, and the Zoning Administrator shall notify the owner of the property upon which the fence or wall is located of the existence of such a nuisance. Such nuisances shall be abated within 30 days after receipt of such notice.

**E. Existing Fences.**

Fences lawfully erected prior to the effective date of adoption or amendment of this Ordinance that do not conform with provisions of this Section shall be considered nonconforming structures subject to the provisions of Article 16 (Nonconformities).

**F. Permit Required.**

Construction, alteration or relocation of fences in any zoning district shall be subject to approval of a zoning permit by the Zoning Administrator. It shall be unlawful for any person to construct or cause to be constructed any fence upon any property within the Township limits without having first obtained all necessary permits.

**Section 6.103 Swimming Pools, Spas, and Hot Tubs.**

Wading pools, as defined in Section 18.02 (Definitions), shall be exempt from this Section and shall not require a zoning permit for installation. All other outdoor swimming pools, spas, and hot tubs constructed in, on or above the ground are permitted as an accessory use in all zoning districts subject to the following:

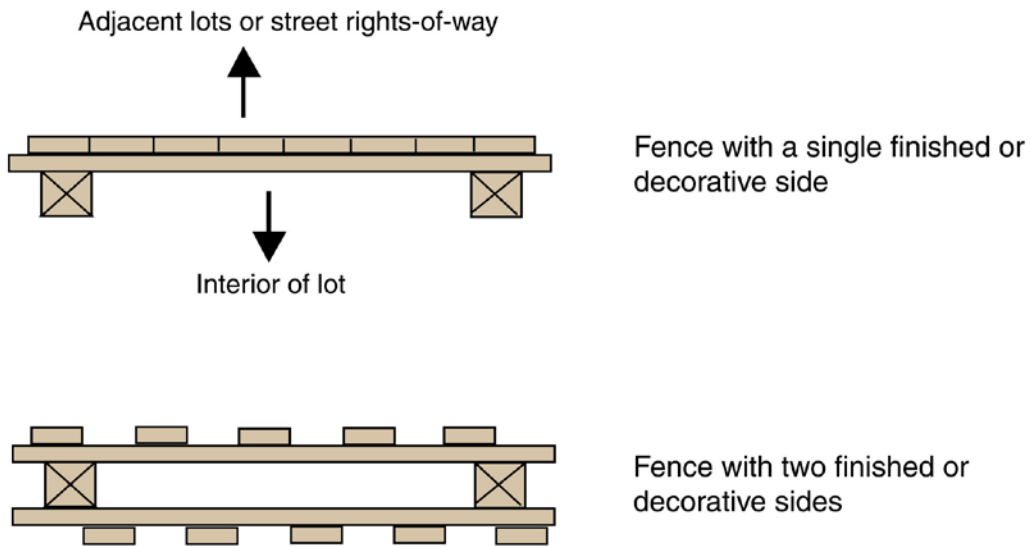


1. **Other requirements.** Swimming pools, spas, and hot tubs shall comply with all applicable provisions of the State Construction Code enforced by Gladwin County.
2. **Yard and setback requirements.** An above-ground swimming pool shall be permitted within the required rear yard setback area of a non-waterfront lot, provided that:
  - a. A minimum six (6) foot setback shall be maintained from all lot boundaries.
  - b. Pool decks and similar structures shall be prohibited within the required rear yard area.

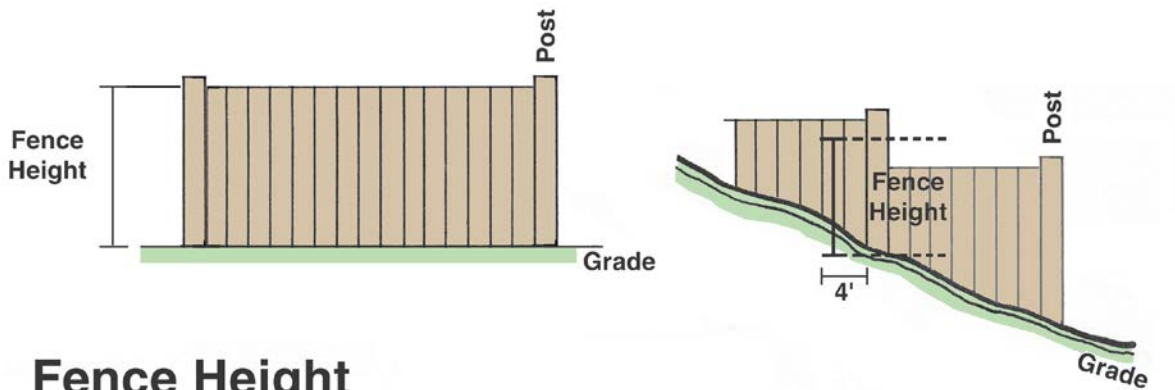
All other swimming pools, spas, and hot tubs, including those located on waterfront lots, shall conform with the minimum required yard setbacks specified in Article 4 (Dimensional Standards).

3. **Separation from principal building.** There shall be a distance of not less than four (4) feet between the outside pool wall and any principal building located on the same lot.
4. **Easements and rights-of-way.** No swimming pool shall be located in an easement or right-of-way.
5. **Secured enclosure.** To prevent unauthorized access and protect the general public, swimming pools, spas, and hot tubs shall be secured and completely enclosed by a minimum four (4) foot high fence with a self-closing and latching gate. Ladders or steps for above-ground pools shall be capable of being secured, locked or removed. The Zoning Administrator may waive this requirement upon determining that the swimming pool, spa or hot tub is otherwise secured against unauthorized access.

# ILLUSTRATIONS



## Orientation of Finished Side - Top View



## Fence Height

## **SECTION 6.200 LAND AND ENVIRONMENT**

### **Section 6.201 Approval of Land Divisions.**

All land divisions created after the effective date of this Ordinance shall comply with all requirements of the Land Division Act (P.A. 288 of 1967, as amended), and shall conform with the dimensional requirements of this Ordinance, as specified in Article 4 (Dimensional Standards) for the zoning district where such land is located.

### **Section 6.202 Open Space Preservation Option.**

This Section established provisions under which a landowner may exercise the option to develop land with open space preservation in accordance with Section 506 of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended).

#### **A. Purpose.**

The intent of this Section is to provide optional open space preservation provisions for residential development, as required by the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), for the purpose of preserving undeveloped land, prime farmlands, woodlots, wildlife areas, historic sites and structures, unique landforms, and scenic areas in the Township. The intent of this Section is to provide a means for grouping of dwellings in the most buildable portions of a development site, so that the remainder of the site can be preserved in an undeveloped state.

#### **B. Scope.**

Land in the A-1 (Agriculture-Conservation) or R-1 (Single Family Residential) Districts may be developed according to the standard conditions and requirements of this Ordinance, or in accordance with the open space preservation option of this Section.

1. No portion of the development site shall have previously been part of an open space preservation option development.
2. If the open space preservation option is selected, such land shall be developed in accordance with the conditions and requirements of this Section, and other applicable standards of this Ordinance.

#### **C. Development Review.**

Applications for residential development approval under the open space preservation option of this Section shall be reviewed following the same procedures used for review and approval of a subdivision plat under the provisions of the Land Division Act (P.A. 288 of 1967, as amended), or a condominium subdivision (site condominium) development under Article 13 (Condominium Regulations) and the Condominium Act (P.A. 59 of 1978, as amended).

**D. Required Information.**

Applications for approval of a residential development under this open space preservation option shall be filed with the Zoning Administrator. Incomplete or inaccurate applications shall not be accepted for review, and shall be returned to the applicant. At a minimum, such applications shall include the following:

1. **Fees.** Appropriate fees, as set by the Township Board, for review of the proposed development plans.
2. **Project narrative.** The applicant shall provide a written narrative that explains the project and its benefits. The narrative should specifically address all elements of the project that would not comply with the underlying zoning district regulations that would apply to the open space development plan.
3. **Parallel plan.** The number of dwelling units permitted within a residential development under this open space preservation option shall be determined through review of a parallel plan prepared by the applicant. The parallel plan for the project shall be consistent with the standards of this Ordinance, including minimum lot area, lot width, and setbacks. The parallel plan layout shall conform with all county and state requirements, and shall not impact wetlands regulated by the Michigan Department of Environmental Quality (MDEQ).
4. **Conservation easement.** Documentation of the proposed conservation easement(s), or similar irrevocable legal instrument that runs with the land, to be used to ensure that the open space will be maintained in an open and undeveloped state in perpetuity.
5. **Development plan.** The development plan shall include all information required for subdivision plat approval in conformance with the Land Division Act (P.A. 288 of 1967, as amended), or condominium subdivision plan approval in conformance with Article 19 (Condominium Regulations) and the Condominium Act (P.A. 59 of 1978, as amended). The development plan shall further include the following:
  - a. A site features inventory identifying active agriculture areas, topography at two (2) foot contour intervals, water courses, drainage patterns, wildlife habitats, roads and road rights-of-way, easements, soils based upon U.S. Soil Conservation Survey, regulated wetlands, floodplains, woodlands, and any additional features uniquely affecting the site.
  - b. Documentation from the Central Michigan District Health Department, Michigan Department of Environmental Quality (MDEQ) or other agency with jurisdiction that each of the lots and dwellings can be adequately served by private well, septic or wastewater treatment systems; or documentation that the proposed dwellings will be served by planned public water or sanitary sewer services.
  - c. Any additional information requested by the Zoning Administrator or Planning Commission to demonstrate compliance with the development

standards of this Section, and the applicable requirements of this Ordinance.

**E. Development Standards.**

Every lot developed or to be developed with the open space preservation option shall comply fully with all of the following requirements:

1. **Permitted residential density.** The overall residential density of the open space development shall not exceed the number of dwellings shown on the approved parallel plan, nor that allowed in the zoning district per Article 4 (Dimensional Standards).
2. **Minimum yard setbacks.** The minimum yard setback standards of the zoning district, as specified in Article 4 (Dimensional Standards), shall apply to lots created under this open space preservation option.
3. **Minimum lot size.** The minimum lot size standards of the zoning district shall not apply to developments under this open space preservation. Lots created under this option shall contain adequate lot area, considering the dimensional standards of this Ordinance for residential lots, to provide for development of a principal dwelling and customary accessory structures without need for a variance.
4. **Minimum required open space.** A minimum of fifty percent (50%) of the gross lot area of the development site shall be retained and maintained in perpetuity as permanent open space.

**F. Conservation Standards.**

The conservation easement(s), or similar legal instrument to be used to ensure that the open space will be maintained in an open and undeveloped state in perpetuity shall be subject to review and approval by the Township Attorney. At a minimum, the instrument shall be irrevocable, shall run with the land, and shall convey all rights to develop the land to a land conservation organization or other public body with authority and ability to ensure that the open space will remain undeveloped.

After approval by the Township, the applicant shall record the conservation easement(s) or similar legal instrument with the Gladwin County Register of Deeds office, and shall provide proof of recording and a copy of the recorded documents to the Township.

## **Section 6.203 Protection of Wetlands and Bodies of Water.**

This Section is intended to establish minimum regulations necessary to protect and preserve the quality of surface waters and wetlands in the Township. Property owners and residents of parcels with frontage on Wixom Lake and the Tittabawassee River are encouraged to adopt additional water quality protection measures and techniques as may be recommended by the MDEQ or Wixom Lake Improvement Board.

**A. Scope.**

Lots lawfully existing prior to the date of adoption of this Ordinance shall be exempt from the requirements of this Section. The standards of this Section shall apply to:

1. All parcels proposed for development requiring review and approval of a site plan, condominium site plan, or planned unit development in accordance with this Ordinance;
2. All parcels proposed for development requiring review and approval of a subdivision plat or other land division approval in accordance with the Land Division Act (P.A. 288 of 1967, as amended) and any Township subdivision regulations; and
3. All lots created on or after January 1, 2005 (the date of adoption of this Ordinance).

**B. Setback Required.**

The following minimum setback areas shall be required from wetlands and watercourses in the Township. Such setbacks shall be measured from the top of the bank or other defined edge, and shall not be subject to topography:

1. A minimum 50 foot wide setback area shall be maintained from the edge of any stream, pond, lake or other body of water, provided that no development shall be permitted within the 100-year floodplain.
2. A minimum 25 foot wide setback area shall be maintained from the boundary or edge of any wetland, open drain, or dedicated county drain easement.

**C. Permitted Activities and Improvements.**

Principal buildings and accessory structures shall be prohibited within the required wetland and watercourse setback area. Such setback areas may be landscaped, planted with grass or other groundcovers, or left in a natural state. Permitted activities and improvements within a required wetland and watercourse setback area shall be limited to the following:

1. Grading, filling, retaining wall construction, and similar improvements, provided that such work shall not create a nuisance or have a detrimental impact on the use or enjoyment of surrounding parcels. Groundcover vegetation shall be immediately restored, and soil erosion control measures shall be employed to minimize siltation of the watercourse or wetland.
2. Docks and similar waterfront structures, subject to Michigan Department of Environmental Quality (MDEQ) regulations and applicable Township ordinances.
3. Public utility improvements in accordance with an approved utility plan.
4. Trails, paths, boardwalks, and similar passive recreational improvements.

5. Detention or retention basins and similar stormwater management facilities, provided that appropriate replacement plantings are provided and maintained.

### **Section 6.204 Grading, Removal and Filling of Land.**

Any excavation, filling or grading of land that would alter the established site elevations or drainage patterns, or the use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish or other wastes or by-products, shall not be permitted in any zoning district except in accordance with an approved site plan.

1. This provision shall not apply to common household gardening, farming, general ground care of a residential or agricultural character or normal soil removal for basement or foundation construction.
2. All excavated overburden or other materials extending above the natural grade shall be leveled or removed, and the surface of the entire tract shall be restored to usable condition for development or agriculture. The excavated area shall be graded so that no gradient of the disturbed area has a slope greater than 1:3 [one (1) foot rise in three (3) feet of horizontal distance]. The graded area shall be seeded with an appropriate grass type and a vegetative cover shall be established to minimize soil erosion.
3. Open excavations, holes, pits or wells shall be protected against unauthorized access by a fence or other suitable means. All open and unprotected excavations, holes, pits or wells that constitute a danger or menace to the public health, safety, or welfare are hereby declared a public nuisance and a violation of this Ordinance.

### **Section 6.205 Health Department Approval Required.**

Zoning permits shall not be issued under this Ordinance for the construction or establishment of buildings or uses requiring water or wastewater systems until an applicant provides copies of the appropriate well and septic permits issued by the Central Michigan District Health Department.

### **Section 6.206 Outdoor Storage and Waste Disposal.**

All uses established or placed in operation in any zoning district after the effective date of this Ordinance shall comply with the following:

1. No materials or wastes shall be placed on the premises in such a form or manner that the materials may be carried off the property by natural causes or forces, such as by wind or water.
2. All materials or equipment shall not be allowed to accumulate on any property in such a manner as to be unsightly, constitute a fire hazard or contribute to unsanitary conditions.

### **Section 6.207 Outhouses, Privies, and Outside Toilets.**

Outhouses, privies, and pit toilets shall be prohibited in any residential zoning district, except within an approved and lawfully established campground licensed under the Michigan Public Health Code (P.A. 368 of 1978, as amended).

1. These provisions shall not prohibit the use of outside toilets (“porta-johns”) accessory to construction sites, permitted ANIMAL AND AGRICULTURAL USES or temporary uses as permitted by this Ordinance.
2. Outhouses, privies, and outside toilets shall comply with all requirements of the Central Michigan District Health Department.
3. Where permitted, the location of such facilities shall:
  - a. Conform to minimum zoning district setback requirements, as specified in Article 4 (Dimensional Standards). Such facilities shall also be set back a minimum of 50 feet from the edge of any stream, pond, lake or other body of water, and a minimum of 50 feet from dwellings on abutting lots; and
  - b. Be screened from abutting lots and RESIDENTIAL USES by a six (6) foot high privacy fence, berm or dense evergreen screen in accordance with Section 8.04 (Methods of Screening and Buffering).
4. Approval of a zoning permit shall be required for temporary use of such facilities in accordance with Section 1.08 (Zoning Permit).



## SECTION 6.300 PERFORMANCE STANDARDS

### Section 6.301 Performance Standards.

No activity, operation or use of land, structures or equipment shall be permitted where such activity, operation or use produces an environmental impact or irritant to sensory perception that exceeds the standards of this Section.

#### A. Purpose and Scope.

The purpose of this Section is to establish controls on the impacts generated by permitted uses so as to prevent an unreasonable negative impact that might interfere with another person's use of his or her property, or that might cause harm to the public health safety, and welfare.

1. **Scope.** No structure or land shall hereafter be used or occupied, and no structure or part thereof shall be erected, altered, reconstructed or moved after the effective date of this Ordinance, except in conformity with all applicable performance standards set forth in this Section. No site plan or other land use or development application shall be approved that is not in conformity with the requirements of this Section.
2. **Submission of additional data.** Nothing in this Section shall preclude the applicant or other interested party from submitting additional data or evidence related to a specific case. In consideration of such data or evidence, the Planning Commission may waive or modify the regulations set forth in this Section, provided that the Planning Commission finds that no harm to the public health, safety or welfare will result, and that the intent of this Ordinance will be upheld.

#### B. Noise.

No person shall unreasonably make, continue, or cause to be made or continued, any noise disturbance.

1. **Noise disturbance examples.** Examples of noise disturbances include, but are not limited to:
  - a. **Sounds that exceed Ordinance limits.** Any sound that exceeds the specific limits set forth in this Section shall be deemed a noise disturbance.
  - b. **Loading and unloading.** Loading and unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects shall be prohibited between the hours of 8:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential district boundary or within a noise sensitive zone.

- c. **Construction.** Operation of any tools or equipment used in construction, drilling, or demolition work shall be prohibited where the sound would create a noise disturbance across a residential district boundary or within a noise sensitive zone. This provision shall apply between the hours of 8:00 p.m. and 7:00 a.m. on Monday through Saturday, or any time on Sundays or holidays, but shall not apply to emergency work or public service utilities.
  - d. **Vibration.** Operating of any device that creates vibration that is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this Section, vibration perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation of moving objects.
  - e. **Noise sensitive zones.** Creating of any sound within any noise sensitive zone so as to disrupt the activities normally conducted within the zone shall be prohibited, even if the average A-weighted sound level is lower than the specific limits set forth in this Section, provided that conspicuous signs are displayed indicating the presence of the zone.
2. **Exceptions.** The provisions in this Section shall not apply to the following uses and circumstances:
- a. **Emergency exceptions.** The emission of sound for the purpose of alerting persons to existence of an emergency, or in the performance of emergency work shall be exempt from the provisions of this Section.
  - b. **Additional exceptions.** The provisions in this Section shall not apply to the following activities, provided that such activities are conducted in a legally-accepted manner:
    - (1) Snow plowing and other public works activities.
    - (2) Agricultural uses.
    - (3) Church bells, chimes, and carillons.
    - (4) Lawn care and house maintenance that occurs between 8:00 a.m. and 9:00 p.m.
    - (5) Licensed vehicles being operated on a road.
    - (6) Nighttime excavation, construction, or repair of bridges, roads, or highways by or on behalf of local, county, or state road authorities, where necessary to preserve the public safety, welfare, or convenience.
    - (7) The reasonable use of stationary amplifiers or loudspeakers in the course of non-commercial public addresses or festivals.

3. **Maximum permitted sound levels by receiving zoning district.** Sound emitted by any source is considered a noise disturbance when its average A-weighted sound level exceeds the limit set forth for the receiving zoning district in the following table, when measured at or within the property boundary of the receiving district. All measurements and designations of sound levels shall be expressed in day-night average sound levels.

RECEIVING ZONING DISTRICT	TIME	AVERAGE SOUND LEVEL
Residential Districts	7:00 a.m. to 10:00 p.m.	55 dB(A)
	10:00 p.m. to 7:00 a.m.	50 dB(A)
Non-Residential Districts	7:00 a.m. to 6:00 p.m.	62 dB(A)
	6:00 p.m. to 7:00 a.m.	55 dB(A)

**Notes related to table:**

- a. **Correction for tonal sounds.** For any source of sound that emits a pure tone sound, the maximum sound level limits of this table shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.
- b. **Correction for impulsive or impact-type sounds.** For any source of sound that emits an atypical impulsive or impact-type sound, the maximum sound level limits of this table shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.
- c. **Planned development.** Where the receiving district is a planned development district, the applicable standards of this table shall be based on the types of uses within the planned development.

**B. Surface Water Flow.**

No site plan review application and no proposal for division of land shall be approved if subsequent development within the required setbacks would result in identifiable disruption to the existing or natural flow of water within drainage ditches, natural water courses, or drains having a recorded easement.

**C. Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind Erosion.**

Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Michigan Environmental Protection Act (P.A. 451 of 1994, as amended), or other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means.

**D. Odor.**

Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.

**E. Glare and Heat.**

Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one-half ( $\frac{1}{2}$ ) footcandle when measured at any point along the property line of the site on which the operation is located. Any operation that produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

**F. Fire and Safety Hazards.**

The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all applicable state, county and local regulations, including the Michigan Fire Prevention Code (P.A. 207 of 1941, as amended).

1. **Storage Tanks.** All storage tanks for flammable liquid materials above ground shall be located at least 150 feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or another type of approved retaining wall capable of containing one and one half (1.5) times the capacity of the largest tank so enclosed. The floor of the retention area shall be impervious to and non-reactive with the contents of the tank. These provisions shall not apply to approved tanks that hold propane or other fuel used for heating a dwelling or other building on the site.

Below-ground bulk storage tanks that contain flammable material shall be located no closer to the property line than the distance to the bottom of the buried tank, measured at the point of greatest depth. All underground tanks shall be registered with the State of Michigan in accordance with applicable state laws and regulations. The location and contents of all such tanks shall be indicated on the site plan.

2. **Detonable Materials.** The storage, utilization, or manufacture of the following detonable materials shall be subject to review and approval as hazardous materials storage, subject to the standards of Section 5.701 (Hazardous Materials Storage).
  - a. All primary explosives such as lead azide, lead styphnate, fulminates, and tetracene.

- b. All high explosives such as TNT, RDX, HMX, PETN, and picric acid
- c. Propellants and components thereof such as dry nitrocellulose, black powder, boron hydrides, and hydrazine and its derivatives.
- d. Pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate.
- e. Blasting explosives such as dynamite and nitroglycerin.
- f. Unstable organic compounds such as acetylides, tetrazoles, and ozonides.
- g. Strong unstable oxidizing agents such as perchloric acid, perchlorates and hydrogen peroxide in concentrations greater than 35 percent.
- h. Nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

**G. Sewage Wastes and Water Pollution.**

Sewage disposal (including septic systems) and water pollution shall be subject to the standards and regulations established by Federal state, county and local regulatory agencies, including the Michigan Department of Health, the Michigan Department of Environmental Quality, the Central Michigan District Health Department, and the U.S. Environmental Protection Agency.

**H. Gases.**

The escape of or emission of any gas that is injurious or destructive to life or property, or that is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the Michigan Environmental Protection Act, Public Act 451 of 1994, as amended, federal Clean Air Acts, as amended, and any other applicable state or federal regulations. Accordingly, gaseous emissions measured at the property line at ground level shall not exceed the levels indicated in the following chart that is based on the *National Ambient Air Quality Standards*, unless a higher standard is imposed by a federal state, county or local regulatory agency with jurisdiction:

GAS	MAXIMUM EMISSIONS LEVEL	SAMPLING PERIOD
Sulfur dioxide	0.14 ppm	24 hours
Hydrocarbons	0.24 ppm	3 hours
Photochemical oxidants	0.12 ppm	1 hours
Nitrogen dioxide	0.05 ppm	Annual
Carbon monoxide	9.0 ppm	8 hours
	35.0 ppm	1 hours
Lead	1.5 µg/cubic meter	3 months
Mercury	0.01 mg/cubic meter	10 hours

GAS	MAXIMUM EMISSIONS LEVEL	SAMPLING PERIOD
Beryllium	2.0 µg/cubic meter	8 hours
Asbestos	0.5 fibers/cc	8 hours

**Notes Related to Table:**

- a. ppm = parts per million
- b. µg = micrograms
- c. mg = milligrams
- d. cc = cubic centimeters

**I. Electromagnetic Radiation and Radio Transmission**

Electronic equipment required in an industrial, commercial or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio, television, or other electronic equipment on surrounding or nearby property.

**J. Radioactive Materials**

Radioactive material wastes and emissions, including electromagnetic radiation, shall not exceed levels established by occupational and health standards and state and federal agencies that have jurisdiction. No operation shall be permitted that causes any individual outside of the lot lines to be exposed to any radiation exceeding the lowest concentration permitted for the general population by federal and state laws and regulations currently in effect.

**Section 6.302 Procedures for Determining Compliance.**

In the event that the Township receives complaints or otherwise acquires evidence of possible violation of any of the performance standards set forth in Section 6.301 (Performance Standards), the following procedures shall be used to investigate, and if necessary, resolve the violation:

**A. Official Investigation.**

Upon receipt of evidence of possible violation, the Zoning Administrator or designated Township consultant shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards. The Zoning Administrator may initiate an official investigation in order to make such a determination.

Upon initiation of an official investigation, the Zoning Administrator is empowered to require the owner or operator of the facility in question to submit data and evidence deemed necessary to make an objective determination regarding the possible violation. Failure of the owner or operator to supply requested data shall constitute grounds for taking legal action to terminate the use or deny or rescind any permits required for

continued use of the land. Data which may be required includes, but is not limited to the following:

1. Plans of the existing or proposed facilities, including buildings and equipment.
2. A description of the existing or proposed machinery, processes, and products.
3. Specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this Section.
4. Measurement of the amount or rate of emissions of materials purported to be in violation.

**B. Method and Cost of Determination.**

The Zoning Administrator or designated Township consultant shall take measurements and complete investigation necessary to make an objective determination concerning the purported violation. Where required measurements and investigation can be accurately using equipment and personnel normally available to the Township without extraordinary expense, such measurements and investigation shall be completed before notice of violation is issued. If necessary, skilled personnel and spec equipment or instruments shall be secured to make the required determination.

If the alleged violation is found to exist in fact, the costs of making such determination shall be charged against those responsible, in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists then such costs shall be paid by the Township.

**C. Appropriate Remedies.**

If, after appropriate investigation, the Zoning Administrator or designated Township consultant determines that a violation does exist, the Zoning Administrator shall provide written notice of the violation to the owners or operators of the facility deemed responsible, and shall request that the violation be corrected within a specified time limit.

1. **Correction of violation within time limit.** If the alleged violation is corrected within the specified time limit, the Zoning Administrator shall note "violation corrected" on the Township's copy of the notice, which shall be retained on file.
2. **Violation not corrected and no reply from owner or operator.** If there is no reply from the owner or operator within the specified time limits and the alleged violation is not corrected, then the Zoning Administrator shall take such action as may be warranted to correct the violation. in accordance with the regulations set forth in this Section
3. **Reply requesting time extension.** If a reply is received within the specified time limit indicating that an alleged violation will be corrected, but that more time is required, the Zoning Administrator may grant an extension upon

determining that the extension is warranted because of the circumstances in the case and will not cause imminent peril to life, health, or property.

4. **Reply requesting technical determination.** If a reply is received within the specified time limit request further review and technical analysis even though the alleged violations continue, then the Zoning Administrator may call in properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.

**D. Costs and Penalties Incurred**

If expert findings indicate that violations do exist in fact, the costs incurred in making such a determination shall be paid by the persons responsible for the violations in addition to other applicable penalties under this Ordinance. Such costs shall be billed to those owners or operators of the use deemed responsible for the violation.

If the bill is not paid within 30 days, the Township may take necessary action to recover such costs, or may charge such costs against the property where the violation occurred.



## **SECTION 6.400 OTHER PROVISIONS**

### **Section 6.401 Property Maintenance.**

Each property owner shall be responsible for keeping their lot and buildings clean and free of any accumulation or infestation of dirt, filth, rubbish, garbage, vermin or other matter. Any hazardous places on a lot shall be fenced and secured.

### **Section 6.402 Property Between the Lot Line and Road.**

The area between the lot line and edge of road pavement shall be maintained with grass or other suitable groundcover. Property owners shall be responsible for the condition, cleanliness and maintenance of the areas within the road right-of-way in front of their lot between their lot lines and the pavement edge.

### **Section 6.403 Voting Place.**

The provisions of this Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with a Township, school or other public election.

### **Section 6.404 Essential Public Services and Required Utilities.**

Essential services buildings and structures shall be permitted as authorized under any franchise in effect within the Township. Such essential services shall be subject to federal, state, county, and local regulations, and shall be consistent with the list of uses permitted in each zoning district. It is the intent of this Section to ensure conformity of all structures, uses, and storage yards to the requirements of this Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or Township Ordinance.

### **Section 6.405 Water Supply and Sanitary Sewers.**

Where public water or sanitary sewer service is available, all principal buildings shall be connected to such systems at the time of construction or expansion.

## **ARTICLE 7**

### **PARKING, LOADING. AND ACCESS MANAGEMENT**

#### **Section 7.01 Purpose.**

The purpose of this Article is to protect water quality and the capacity of drainage and stormwater management systems; to limit the number of off-street parking spaces and amount of impervious surfaces that may be permitted on a parcel of land or accessory to a use or building; to establish flexible minimum and maximum standards for off-street parking and loading; and to promote the use and development of shared parking facilities and cross-access between sites.

#### **Section 7.02 Scope.**

Off-street parking, stacking, and loading spaces shall be provided in all districts whenever any structure is constructed, altered, or enlarged; a new land use is established; an existing use is replaced by a new use (change of use); or an existing use is expanded or increased in intensity. Such spaces shall be provided in accordance with the provisions of this Article, subject to approval per Section 12.01 (Site Plan Review).

#### **Section 7.03 General Standards.**

The following general standards shall apply to all off-street parking and loading facilities:

##### **A. Location of Spaces.**

Off-street parking spaces shall be located within 300 feet of a primary building entrance for the use to which such spaces are accessory. Off-street parking facilities may be located within required yard setbacks, subject to provision of adequate screening per Section 8.05A (Parking Lot Screening).

##### **B. Use.**

Any area once designated as required off-street parking, stacking, and loading spaces shall not be changed to any other use, unless adequate spaces meeting the standards of this Article have first been provided at another location acceptable to the Planning Commission.

Use of off-street parking, stacking, and loading facilities shall be further subject to the following:

1. No commercial activity or selling of any kind shall be conducted within required parking areas, except as part of a permitted temporary use.
2. Parking lots and loading areas shall not be used for parking of inoperable vehicles, outside storage of any equipment, products or materials, or dumping of refuse.

3. Parking of an operable motor vehicle shall not exceed a continuous period of more than 48 hours. Repairs, servicing or display of vehicles for sale shall be prohibited.
4. No person shall park any motor vehicle on any private property without the authorization of the owner, holder, occupant, lessee, agent or trustee of such property. Ownership shall be shown of all lots intended for use as parking by the applicant.

**C. Shared Facilities.**

The development and use of a parking or loading facility shared between two (2) or more contiguous uses shall be permitted where peak activity for each use will occur at different periods of the day or week. Shared facilities shall be subject to acceptance by the Planning Commission of a signed shared facility agreement between the property owners. Where shared parking facilities are provided, the number of parking spaces shall not be less than eighty percent (80%) of the sum of the minimum requirements for the various individual uses specified in Section 7.05 (Schedule Of Required Parking by Use), nor more than the sum of the maximum requirements for the various individual uses, as follows:

$$\begin{aligned} \text{Minimum Shared Parking Requirement} &= (\text{minimum for use A} + \text{minimum for use B}) \times 80\% \\ \text{Maximum Shared Parking Requirement} &= (\text{minimum for use A} + \text{minimum for use B}) \times 133\% \end{aligned}$$

**Section 7.04 Residential Parking Standards.**

Off-street parking spaces for single-and two-family (duplex) dwellings shall consist of an accessory driveway, garage, parking strip or bay, or combination thereof, subject to the following:

1. Parking spaces shall be located on the same zoning lot as the principal dwelling.
2. Parking spaces shall not be used for storing of commercial vehicles exceeding one (1) ton in capacity. The storage of merchandise, display of motor vehicles for sale or repair of vehicles exceeding one (1) ton capacity (other than a resident's private vehicles) shall be prohibited.

**Section 7.05 Schedule Of Required Parking by Use.**

The minimum number of required off-street parking spaces for an individual use shall be determined in accordance with the following:

**A. Parking Calculations.**

Where a use is not specifically mentioned in this Article, the Planning Commission shall apply the standards for a similar listed use. Where calculations determining the number of required parking spaces result in a fractional space, any fraction up to and including one-half (1/2) shall be disregarded, and any fraction over one-half (1/2) shall be rounded-up to the next highest whole number.

**B. Minimum and Maximum Parking Requirements.**

1. **Minimum required spaces.** Off-street parking, stacking, and loading spaces shall be provided in accordance with the minimum requirements of Section 7.05C (Schedule Of Required Parking by Use). The Planning Commission may require any use to provide parking spaces above the required minimum, up to the maximum permitted by this Section.
  
2. **Maximum permitted parking spaces.** The maximum amount of off-street parking permitted for any use shall not exceed one hundred thirty three percent (133%) of the minimum parking requirements of this Section. This requirement shall not apply to single-family or two-family dwellings, nor to spaces reserved for off-site uses as part of an off-site parking facility agreement per Section 7.09A (Off-Site Parking Facilities).

**C. Schedule Of Required Parking by Use.**

USE	PAVING REQUIRED?	MINIMUM REQUIRED PARKING
<b>ANIMAL AND AGRICULTURAL USES</b>		
Farm-Based Tourism or Entertainment Facilities	No	One (1) per four (4) seats or eight (8) feet of benches, based upon the maximum seating capacity of the primary assembly space; or one (1) per four (4) persons allowed within the maximum capacity of the facility.
Greenhouses Nurseries, and Garden Centers	No	Five (5), plus one (1) per on-duty employee based upon maximum employment shift, plus one (1) per 300 square feet of usable floor area for any offices or other accessory uses.
Farm Markets and Feed Stores	No	One (1) per 400 square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.
Veterinary clinics, Kennels, and Animal Shelters	No	One (1) per 500 square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.
<b>RESIDENTIAL USES</b>		
Accessory Apartments	No	One (1) per dwelling unit, plus any required spaces for the dwelling.
Adult Foster Care Small and Large Group Homes, State Licensed Residential Facilities, and Other Managed Residential Facilities	Yes	One (1) per resident sleeping room, plus one (1) per on-duty employee based upon maximum employment shift.

**C. Schedule Of Required Parking by Use.**

USE	PAVING REQUIRED?	MINIMUM REQUIRED PARKING
Bed and Breakfast Inns	No	One (1) per guest sleeping room, plus any required spaces for the dwelling.
Family and Group Child Day Care Homes, and Adult Foster Care Family Homes	No	One (1) per on-duty employee based upon maximum employment shift, plus any required spaces for the dwelling.
Manufactured Housing Parks	No	Two (2) per dwelling.
Multiple-Family Housing	Yes	One and one-half (1.5) per dwelling unit with up to two bedrooms, and two (2) per three-bedroom or larger dwelling unit.
Two-Family or Duplex Dwellings	No	
Nursing and Convalescent Homes, Assisted Living Facilities, and Dependent Elderly Housing	Yes	One (1) per two (2) dwelling units or per four (4) beds, plus one (1) per on-duty employee based upon maximum employment shift.
Senior Housing and Independent Elderly Housing	Yes	One (1) per dwelling unit, plus one (1) per on-duty employee based upon maximum employment shift.
Single Family Dwellings, Detached	No	Two (2) per dwelling.
<b>OFFICE AND SERVICE USES</b>		
Banks and Financial Institutions	Yes	One (1) per 300 square feet of usable floor area.
Barber Shops, Beauty Salons, and Nail Care	No	One (1) per service chair or station, plus one (1) per on-duty employee based upon maximum employment shift.
Funeral Homes or Mortuaries	No	One (1) per four (4) persons allowed within the maximum building occupancy.
Hospitals	Yes	One (1) per four (4) beds, plus one (1) per on-duty employee based upon maximum employment shift.
Medical, Osteopathic, Chiropractic, Optical or Dental Offices, Clinics, Urgent Care Centers or Rehabilitation Centers	Yes	One (1) per on-duty employee based upon maximum employment shift, plus one (1) per examination or treatment room.
Massage Therapists	No	

**C. Schedule Of Required Parking by Use.**

USE	PAVING REQUIRED?	MINIMUM REQUIRED PARKING
Offices for Professional, Executive, or Administrative Uses, Attorneys, Accountants, Realtors, Architects, Insurance and Similar Occupations	Yes	One (1) per 300 square feet of usable floor area.
Video Rental Establishments	Yes	One (1) per 150 square feet of usable floor area.
Workshops, Showrooms, Studios or Offices of Photographers, Skilled Trades, Decorators, Artists, Upholsterers, Tailors, Taxidermists and Similar Businesses, or for Repair and Service of Bicycles, Electronics, Small Appliances, Furniture, Shoes and Similar Items.	No	One (1) per 400 square feet of usable floor area.
<b>COMMUNITY USES</b>		
Institutional Uses	Yes	One (1) per four (4) seats or eight (8) feet of benches, based upon the maximum seating capacity of the primary assembly space; or One (1) per on-duty employee based upon maximum employment shift, plus one (1) per four (4) persons allowed within the maximum building occupancy.
Child Care or Day Care Centers, and Child Caring Institutions	Yes	One and one-half (1.5) per six (6) children of state licensed or authorized capacity, plus one (1) per on-duty employee based upon maximum employment shift.
Fire and Police Stations	Yes	One (1) per on-duty employee based upon maximum employment shift, plus any required spaces for storage of vehicles.
Government Offices	Yes	One (1) per 300 square feet of usable floor area.
Health Club or Fitness Center	No	One (1) per four (4) persons allowed within the maximum building occupancy, or one (1) per 300 square feet of usable floor area.
Recreation Facilities, Indoor	No	
Recreation Facilities, Outdoor	No	One (1) per 7,500 square feet of gross land area.

**C. Schedule Of Required Parking by Use.**

USE	PAVING REQUIRED?	MINIMUM REQUIRED PARKING
<b>COMMERCIAL USES</b>		
Big Box COMMERCIAL USES	Yes	One (1) per 200 square feet of usable floor area.
Car washes	Yes	Two (2), plus one (1) per on-duty employee based upon maximum employment shift, plus six (6) stacking spaces per service lane and two (2) for post-wash detailing.
Drive-in or Drive-through Facilities	Yes	Two (2) per service window, booth, cubicle or stall, plus six (6) stacking spaces per service lane.
Gasoline Service Stations	Yes	One (1) per on-duty employee based upon maximum employment shift, plus one (1) per fueling location, plus one (1) stacking space per two (2) fueling locations.
Hotels	Yes	One (1) per occupancy unit, plus one (1) per on-duty employee based upon maximum employment shift.
Laundromat and Dry Cleaners	Yes	One (1) per six (6) washing or drying machines, or one (1) per 300 square feet of usable floor area.
Manufactured Housing Sales	Yes	One (1) per 1,000 square feet of outdoor sales or display area.
Motor Vehicle Service Centers or Repair Stations	Yes	One (1) per on-duty employee based upon maximum employment shift, plus one (1) per service bay, plus one (1) stacking space per service bay.
Outdoor Sales or Display Areas	No	
Restaurants and Food Service Establishments, Carry-Out Only	Yes	One (1) per 200 square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.
Restaurants, and Food Service Establishments, with Dine-In Seating	Yes	One (1) per four (4) seats, based upon the maximum seating capacity, plus one (1) per on-duty employee based upon maximum employment shift.
Retail Stores and COMMERCIAL USES not otherwise listed in this table	Yes	One (1) per 250 square feet of usable floor area.

**C. Schedule Of Required Parking by Use.**

USE	PAVING REQUIRED?	MINIMUM REQUIRED PARKING
Showroom or Sales Office (indoor only) for Sales or Rentals of Automobiles, Recreational Vehicles, Boats, Equipment, Machinery or Similar Durable Goods	Yes	One (1) per 500 square feet of usable floor area of the sales room, plus one (1) per on-duty employee based upon maximum employment shift.
Tavern, Pub, Brewpub, Cocktail Lounge or Night Club	Yes	One (1) per three (3) persons allowed, based upon the maximum seating capacity of the primary assembly space, plus one (1) per on-duty employee based upon maximum employment shift.
<b>INDUSTRIAL, RESEARCH AND LABORATORY USES</b>		
INDUSTRIAL, RESEARCH, AND LABORATORY USES not otherwise listed in this table – established for a known user.	Yes	Five (5), plus one (1) per on-duty employee based upon maximum employment shift, plus one (1) per 300 square feet of usable floor area for any offices or other accessory uses.
INDUSTRIAL, RESEARCH, AND LABORATORY USES not otherwise listed in this table – established on speculation, or where the end user or number of anticipated employees is not known.	Yes	Five (5), plus one (1) per 2,000 square feet of usable floor area for the industrial, research or laboratory use, plus one (1) per 300 square feet of usable floor area for any offices or other accessory uses.
Outdoor Storage of Goods, Products, Equipment, Machinery, Lumber, Landscaping and Building Supplies or Similar Items	Yes	One and one-half (1.5) per on-duty employee based upon maximum employment shift, plus one (1) per 300 square feet of usable floor area for any offices or other accessory uses.
Outdoor Storage, Dismantling or Recycling of Motor Vehicles, Recreational Vehicles, Boats, Manufactured Houses and Similar Items	Yes	
Recycling Collection Facilities & Composting Centers	Yes	
Self-Storage Warehouses	Yes	Two (2) for the caretaker’s dwelling, plus one (1) per 300 square feet of usable floor area in the principal building.



**C. Schedule Of Required Parking by Use.**

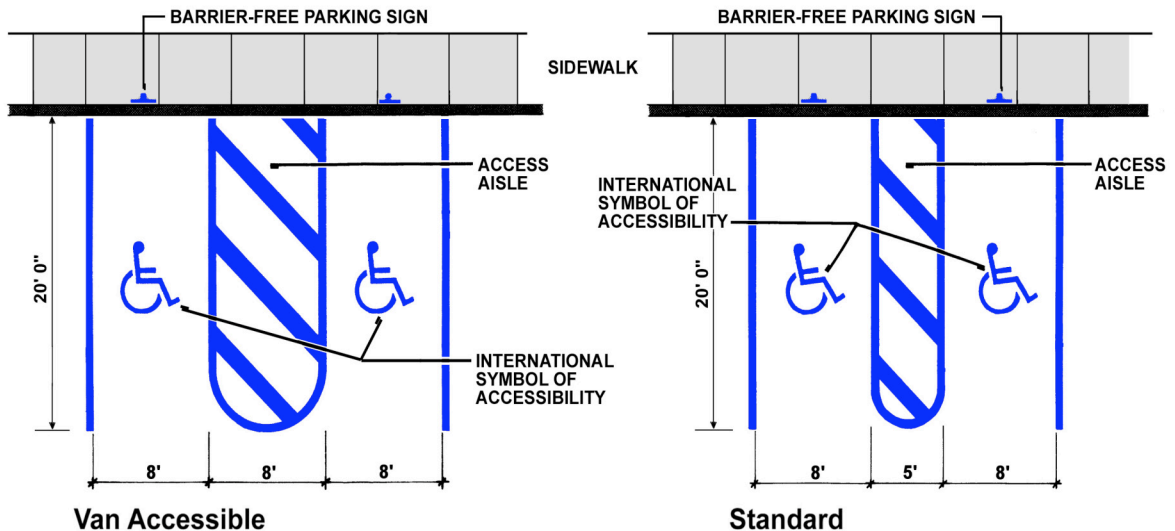
USE	PAVING REQUIRED?	MINIMUM REQUIRED PARKING
<b>TEMPORARY, SPECIAL EVENT AND OTHER USES</b>		
Adult Entertainment Uses	Yes	One (1) per 200 square feet of usable floor area.
Racetracks	Yes	One (1) per 4,000 square feet of gross land area occupied by the use, or one (1) per three (3) persons allowed within the maximum occupancy load that the facilities are designed to accommodate.

**Section 7.06 Design Requirements.**

Off-street parking facilities designed, constructed, and maintained in accordance with the following:

**A. Barrier-Free Parking Requirements.**

Barrier-free parking spaces signed and striped shall be provided at conveniently accessible locations within each parking lot, in accordance with the State Construction Code enforced by Gladwin County, and the following:



**Barrier-Free Parking Space Layout**

<b>NUMBER OF PARKING SPACES PROVIDED</b>	<b>MINIMUM NUMBER OF BARRIER-FREE SPACES REQUIRED</b>	<b>VAN ACCESSIBLE PARKING SPACES REQUIRED</b>	<b>ACCESSIBLE PARKING SPACES REQUIRED</b>
Up to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1,000	2% of total parking provided in each lot	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
1,001 and over	20 plus 1 per 100 spaces over 1,000	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces

**B. Screening.**

Landscaping and screening shall be provided for all parking and loading facilities in accordance with the provisions of Section 8.05A (Parking Lot Screening).

**C. Exterior Lighting.**

Where provided, exterior lighting shall comply with the standards of Article 10 (Exterior Lighting).

**D. Ingress/Egress.**

Adequate means of ingress and egress shall be provided for all parking and loading facilities by means of clearly limited and defined drives, curb cuts, and maneuvering lanes. Backing directly onto a road or using a road for maneuvering between parking rows shall be prohibited. Driveways and aisles for any off-street parking area built to accommodate more than 20 vehicles shall comply with the following requirements:

1. **Aisle width and length.** Drive aisles in off-street parking areas shall be at least 20 feet wide. Drive aisles shall not exceed 300 feet in length without a break in circulation.
2. **Driveway configuration.** Each driveway shall be a minimum of 12 feet and a maximum of 15 feet in width per direction. Lanes for entering and exiting traffic shall be clearly marked on the pavement. The driveway shall include an on-site stacking area. The driveway shall intersect the abutting street at a 90 degree angle.

3. **Deceleration lane.** Where the posted speed limit for a public thoroughfare is greater than 30 miles per hour, a driveway opening onto the thoroughfare shall be served by a right turn deceleration lane that is at least 200 feet long in advance of the driveway.

**E. Pavement.**

Off-street parking facilities shall be paved in accordance with the construction and design standards established by the Township, and the following:

1. **Gravel surface.** Where Section 7.05 (Schedule Of Required Parking by Use) does not require that parking areas be paved, they shall be surfaced with a material that provides a durable, smooth and dustless surface, and shall be graded to drain and dispose of all collected surface water within a reasonable time.
2. **Paved surface.** Where Section 7.05 (Schedule Of Required Parking by Use) requires parking areas to be paved, they shall be paved with concrete, plant mixed asphalt or similar materials. All parking areas shall be graded and provided with adequate drainage to dispose of all collected surface water within a reasonable period of time. Paving shall consist of either six (6) inches of cement concrete, or two (2) inches of asphalt surface laid over a base of crushed stone with a compacted thickness of six (6) inches.

**F. Stacking Spaces.**

Where required by this Article, stacking spaces for drive-through facilities shall be ten (10) feet wide by 20 feet long. Stacking spaces shall not intrude into any road right-of-way or maneuvering lane for an off-street parking lot.

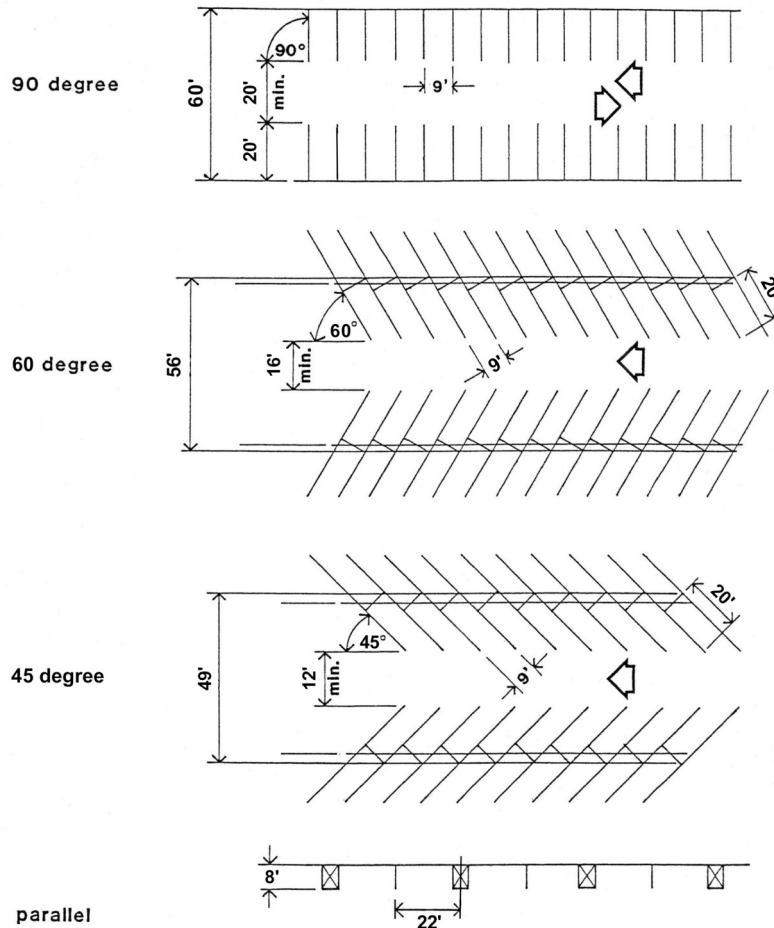
**G. Grading and Drainage.**

Driveways and other parking areas shall be graded and drained to dispose of surface waters in accordance with the construction and design standards established by the Township. Surface water shall not be permitted to drain on to adjoining lots or to sheet flow across a public road, except in accordance with a drainage plan approved by the Township.

**H. Parking Layout.**

The layout of off-street parking shall be in accordance with the following minimum requirements:

<b>PARKING PATTERN</b> (degrees)	<b>MANEUVERING LANE WIDTH</b>	<b>PARKING SPACE WIDTH</b>	<b>PARKING SPACE LENGTH</b>	<b>WIDTH OF MANEUVERING LANE PLUS TWO ROWS</b>
<b>0° (parallel)</b>	24 feet (two-way)	8 feet	22 feet	40 feet
<b>45°</b>	12 feet (one-way)	9 feet	20 feet	49 feet
<b>60°</b>	16 feet (one-way)	9 feet	20 feet	56 feet
<b>90°</b>	20 feet (two-way)	9 feet	20 feet	60 feet



## Parking Layout

### Section 7.07 Construction.

Construction or alteration of off-street parking lots shall be in accordance with an approved site plan, and shall be subject to review and approval of a zoning permit by the Zoning Administrator.

1. Proof of any necessary permits from Gladwin County or other agency with jurisdiction shall be provided to the Township.
2. Plans for parking lots shall indicate existing and proposed grades, drainage, surfacing and base materials, and the proposed parking layout.
3. In the event that required paving cannot be completed because of cold or inclement weather, the Township may require submittal of a performance guarantee to ensure completion of all required improvements per the approved site plan, in accordance with Section 1.09 (Fees and Performance Guarantees).

## Section 7.08 Off-Street Loading.

To avoid undue interference with public use of dedicated road and alley rights-of-way, adequate space shall be provided for loading and unloading activities associated with any use involving the receipt or distribution of vehicles, materials or merchandise, subject to the following:

### A. General Standards.

The following shall apply to loading and unloading areas in all zoning districts:

1. **Setbacks.** Loading spaces shall be set back a minimum of 50 feet from any residential district or use, except where enclosed within a building or screened to the satisfaction of the Planning Commission, in accordance with Section 8.04 (Methods of Screening and Buffering).
2. **Hard surface required.** Loading spaces shall be paved with a surface providing the equivalent load strength of nine (9) inches of concrete.
3. **Dimensions of loading spaces.** Each loading space shall be at least ten (10) feet wide and 25 feet long. If roofed, a loading space must have at least 15 feet of vertical clearance. Where a use involves semi-trucks making deliveries on a daily basis, or requires that semi-trailers will be parked in the space for more than one (1) hour at any time, the loading space shall be at least 60 feet long.
4. **Location of loading spaces.** Loading spaces shall be located within or immediately adjacent to the building to be served, and they shall be arranged so that maneuvering of trucks using the space does not take place on a public road.

### B. District Standards.

The minimum size or number of required loading spaces shall be based on the gross floor area of a building or addition as follows:

1. **COMMERCIAL USES.** Buildings used for retail sales or food service establishments shall include one (1) off-street loading space for every 6,000 square feet of usable floor area or fraction thereof.
2. **INDUSTRIAL, RESEARCH, AND LABORATORY USES.**
  - a. Buildings up to and including 20,000 square feet of gross floor area shall provide at least one (1) space.
  - b. Buildings more than 20,000 square feet in area, but less than 50,000 square feet shall provide a minimum of two (2) spaces.
  - c. Buildings 50,000 square feet and greater shall provide three (3) spaces plus one (1) space for each additional 50,000 square feet or fraction thereof.

## **Section 7.09                      Modification of Standards.**

Limited modifications to the standards of this Article shall be permitted, subject to the following:

### **A.        Off-Site Parking Facilities.**

Required parking facilities accessory to non-residential uses in any zoning district may be located off-site (on other than the same zoning lot as the use served), subject to the following:

1.        Required parking shall be located within 500 feet of a primary building entrance for the use.
2.        Use of off-site parking spaces within a residential zoning district shall be prohibited.
3.        A written agreement shall be drawn to the satisfaction of the Township Attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to serve.

### **C.        Exceeding Maximum Number of Required Spaces.**

The Planning Commission may require any use to provide parking spaces above the required minimum, up to the maximum permitted by this Section. Exceeding the maximum parking space requirements shall be prohibited, except where the Planning Commission determines that additional parking is necessary to accommodate the use on a typical day of operation, based upon evidence supplied by the applicant.

### **D.        Deferment of Parking Spaces.**

Where an applicant demonstrates to the satisfaction of the Planning Commission that the minimum required number of parking spaces is excessive, the Planning Commission may approve the construction of a lesser number of parking spaces, provided that the deferred parking is shown on the site plan and set aside as open space. Deferred parking spaces shall be constructed in accordance with the approved site plan upon written request by the Township after the Zoning Administrator has documented three (3) incidents of problem parking on the site.

### **E.        Modification of Loading Space Requirements.**

The Planning Commission may modify or waive the requirement for off-street loading areas, upon determining that adequate loading space is available to serve the building or use, or that provision of such loading space is unnecessary or impractical to provide.

### **F.        Other Circumstances.**

The Planning Commission may modify or waive off-street parking requirements under any of the following circumstances:

1.        A combination of off-street parking spaces and on-street spaces adjacent to the lot can effectively accommodate the parking needs of a given use without negatively impacting traffic safety or adjacent uses.

2. Sufficient evidence has been provided by the applicant to demonstrate that an alternative parking standard would be more appropriate for the type, scale or intensity of the use.

### **Section 7.10 Maintenance.**

All parking and loading areas shall be maintained in accordance with the provisions of this Article, an approved site plan and the following:

1. Alterations to an approved parking or loading facility that are not in accordance with an approved site plan shall be considered a violation of this Ordinance.
2. All parking areas, perimeter landscaped areas, and required screening shall be kept free from tall grass, weeds, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related appurtenances shall be kept in good repair.

### **Section 7.11 Driveway Spacing Standards.**

The purpose of this Section is to protect the substantial public investment in the Township's road system by preserving the traffic capacity of existing roads. It is the further intent of this Article to promote safe and efficient travel within the Township; minimize disruptive and potentially hazardous traffic conflicts; establish efficient standards for driveway spacing and the number of driveways; and ensure reasonable vehicular access to properties, though not always the most direct access.

Each parcel in the C-1 (Local Commercial), C-2 (Highway Commercial), and IND (Industrial) Districts shall have no more than one (1) driveway entrance and exit opening to a public road for each 300 feet of frontage or fraction thereof. Where more than one (1) driveway is allowed, the driveways shall be located at least 150 feet apart. No driveway shall be located within 30 feet of a lot boundary, or within 50 feet of a road intersection.

### **Section 7.12 Traffic Impact Studies.**

Where authorized by this Ordinance or determined necessary by the Planning Commission, a traffic impact study (TIS) shall be prepared by an applicant to determine the potential future traffic conditions on the adjacent roadways once a proposed use is established or development is completed. The Township may utilize its own traffic consultant to review the TIS, with the cost of the review being borne by the applicant per Section 1.09 (Fees and Performance Guarantees).

The results of the TIS shall be used in the final design of access points and internal circulation and may identify necessary off-site road improvements. At a minimum, the TIS shall meet standards of the Michigan Department of Transportation (MDOT) handbook entitled Evaluating Traffic Impact Studies. The Planning Commission may modify the TIS requirements or scope based upon site and use location and conditions.

At a minimum, the TIS shall include the following:

1. An analysis of existing traffic conditions or site restrictions using current data.

2. Projected trip generation at the subject site or along the subject service drive based on the most recent edition of the Institute of Transportation Engineers' *Trip Generation* manual. The Township may approve use of other trip generation data if based on recent studies of at least three (3) similar uses within similar locations in Michigan.
3. Illustrations of current and projected turning movements at access points, including identification of potential impacts of the development on the operation of the abutting roads. Capacity analysis shall be based on the most recent edition of the of the Transportation Research Board's *Highway Capacity Manual*, and shall be provided in an appendix to the TIS.
4. Description of the internal vehicular circulation and parking system for passenger vehicles and delivery trucks, as well as the circulation system for pedestrians, bicycles and other users.
5. Prediction of the peak-hour operational conditions at site driveways and road intersections affected by the development.
6. Justification of need, including statements describing how any altered or additional access points will meet the intent of this Article, not preserve public safety and road capacity, and be consistent with the adopted master transportation plans for the Township, county or state road authorities.
7. Qualifications and documented experience of the author in preparing traffic impact studies in Michigan. The preparer shall be either a registered traffic engineer (P.E.) or a transportation planner, with at least three (3) years of experience preparing traffic impact studies in Michigan. If the TIS involves geometric design, the study shall be prepared or supervised by a registered engineer with adequate experience in traffic engineering.





## **ARTICLE 8**

### **SCREENING AND LAND USE BUFFERS**

#### **Section 8.01 Purpose.**

Screening and land use buffers are necessary for the protection and enhancement of the environment, and to ensure reasonable compatibility between land uses of differing intensity or impacts. Screening elements enhance the visual environment; protect property values; alleviate the impact of noise, traffic, and more intensive land uses; and minimize visual impacts of parking lots, loading areas and storage areas. Provisions for necessary screening and buffering contribute to a healthy development pattern, and increase the level of privacy for residential uses in the Township.

The purposes of this Article are to establish minimum standards for the design, installation, and maintenance of screening elements and plant materials; and to establish reasonable standards for the screening of uses of a significantly different scale or character, buffering of parking lots, storage areas and similar activities from road rights-of-way and adjacent lots, and protection of residential uses that abut non-residential zoning districts.

It is the intent of this Article that required screening and buffering elements shall be immediately effective in achieving the purpose of this Article, and shall maintain that effectiveness as the plant materials mature. Where existing sites have been developed without adequate screening or buffering, the purpose of this Article shall be achieved through improvements that are in reasonable proportion to the scale and construction cost of proposed building improvements, expansions, or other site improvements.

#### **Section 8.02 Scope.**

Every property owner and developer shall be responsible for ensuring that the use of a zoning lot in the Township does not adversely impact adjacent properties. The standards of this Article shall be considered the minimum necessary to achieve the purposes of this Article and Ordinance, and shall apply to all uses, lots, and sites altered, developed or expanded after the effective date of this Ordinance that are subject to review per Section 12.01 (Site Plan Review).

#### **Section 8.03 General Standards.**

##### **A. Plant Material Standards.**

1. **General.** The following shall apply to all plant materials:
  - a. All plant material shall conform to size and description set forth in the current edition of "American Standard for Nursery Stock" sponsored by

the American Association of Nurserymen, Inc. and approved by the American National Standards Institute, Inc. (ANSI 260.1, 1996).

- b. All plant material shall be true to name in conformance to the current edition of Standardized Plant Names established by the American Joint Committee on Horticultural Nomenclature, or other source accepted by the Township.
- c. All plant material shall be nursery grown, hardy to the climate of Michigan, appropriate for the soil, climatic and environmental conditions, long-lived, resistant to disease and insect attack.
- d. Artificial plant material shall be prohibited.

2. **Groundcovers.** The following shall apply to all groundcover materials:

- a. Lawn areas shall be planted in species of grass normally grown as permanent lawns in Michigan. Grass may be sodded or hydro-seeded, provided that adequate measures are taken to minimize soil erosion. Sod or seed shall be clean and free of weeds and noxious pests or disease.
- b. The creative use of groundcover alternatives is encouraged. Groundcover used in lieu of grass shall be planted to present a finished appearance after one (1) complete growing season. Prairie grass and natural wildflower and grass mix may be used where appropriate.
- c. Synthetic materials shall not be used as a permitted groundcover. Use of stone and gravel as a groundcover shall be limited to decorative accents within a planting bed, subject to Planning Commission approval.

3. **Mulch.** Planting beds shall present a finished appearance; with shredded hardwood bark mulch or similar natural material at a minimum depth of three (3) inches. Mulch used around trees and shrubs shall be a minimum of four (4) inches deep, and shall be pulled one (1) inch away from tree trunks. An effective edge treatment shall be provided to contain and prevent migration of the mulch.

4. **Topsoil.** A minimum four (4) inches of topsoil shall be provided for all lawn areas, ground covers and planting beds.

**B. Standards for Size and Variety of Plant Materials.**

To ensure adequate variety, and to avoid monotony and uniformity within a site, required plant materials shall not include more than thirty percent (30%) of any single plant species, and shall comply with the following schedule for minimum sizes at planting:

SCREENING MATERIALS	MINIMUM SIZE AT INSTALLATION
<b>Deciduous Shade Trees</b>	2½ - 3 caliper-inches diameter

SCREENING MATERIALS	MINIMUM SIZE AT INSTALLATION
<b>Evergreen Trees</b>	6.0 feet overall height
<b>Deciduous Ornamental Trees</b>	2.0 caliper-inches diameter or 6 feet overall height
<b>Shrubs</b>	30 inches in height or 24 inches in spread

**C. Existing Plant Materials.**

Existing trees and wooded areas on a site may be used to satisfy specific screening standards of this Article. To confirm compliance with the standards of this Article, the Planning Commission may require that the location, size, and species individual trees to be preserved be identified on the site plan, along with the perimeter of all preserved wooded areas.

**Section 8.04 Methods of Screening and Buffering.**

Screening and buffering elements shall satisfy the purpose and objectives of this Article, and shall be accomplished by any one of the following methods, or any combination of these methods that the Planning Commission determines to be best suited for the existing conditions:

**A. Greenbelt Buffer.**

The purpose of this method is to establish a buffer between adjacent land uses, or between uses and adjacent road rights-of-way. This method is intended to provide a partial visual screen, particularly where the adjacent uses (including uses that are adjacent across a road right-of-way) are less intense than the use of the subject site. Greenbelt buffers shall consist of the following (also see illustration):

1. Greenbelts shall have a minimum width of ten (10) feet.
2. Greenbelts shall be sodded, hydro-seeded, or planted with appropriate groundcovers. Planting beds for perennial flowers may be incorporated into the greenbelt.
3. A mixture of deciduous shade trees, ornamental trees, evergreen trees, and shrubs shall be planted along the greenbelt buffer at a minimum concentration of three (3) trees and ten (10) shrubs per 30 linear feet of greenbelt length along a property line or road frontage.

**B. Fence.**

The purpose of this method is to visually screen parking lots, outdoor storage areas, and similar uses where the predominant impacts are at or below eye level. This method shall consist of an ornamental, rail or privacy fence constructed along the lot or zoning

district boundary, or around the perimeter of the area to be screened, subject to the following (also see illustration):

1. Required fences shall have a minimum height of three (3) feet, and shall not exceed six (6) feet in height above grade unless a higher fence height is determined by the Planning Commission to be necessary to provide adequate screening.
2. Such fences shall conform with the standards of Section 6.102 (Fences).
3. The fence materials, height, location, and design shall be consistent with existing fences on adjacent lots, and shall be subject to Planning Commission approval.

**C. Berm.**

The purpose of this method is to effectively screen visual and noise impacts using natural-appearing landforms. This method is intended to provide an obscuring screen to block noise and light from adjacent uses or road rights-of-way, or to create a buffer between developed and undeveloped areas of a site. Berms shall consist of a combination of a sculpted earth mound and plantings, which shall meet the following standards (also see illustration):

1. Berms shall have side slopes no steeper than three (3) feet horizontal to one (1) foot vertical (a 3:1 ratio).
2. Berms shall have a minimum height of three (3) feet. Overall berm height shall be adequate for the intended screening function.
3. The interior face of the berm may be constructed as an earthen slope, or may be retained by means of a wall, terrace or similar means acceptable to the Planning Commission.
4. The berm shall be designed and graded to blend with existing topography, and shall be appropriately sodded, hydro-seeded or planted with appropriate groundcovers. Planting beds for perennial flowers may be incorporated into the berm.
5. The Planning Commission may require plantings on the berm, per Section 8.04A (Greenbelt Buffer).

**D. Evergreen Screen.**

The purpose of this method is to create a dense obscuring screen that meets the objectives of this Article. This method is intended to establish a year-round screening barrier between land uses of differing intensities, to effectively block noise and light or to completely separate developed and undeveloped portions of a site.

This method shall consist of closely spaced evergreen trees with year-round screening characteristics. Such trees shall be planted a maximum of 15 feet apart in at least two (2) staggered rows (also see illustration).

**E. Masonry Wall.**

The purpose of this method is to create a solid, year-round barrier and obscuring screen to effectively block noise, light, and other impacts between land uses of differing intensities. Such walls shall be subject to the following (also see illustration):

1. Masonry walls shall have a minimum height of two (2) feet, and shall not exceed six (6) feet in height above grade unless a higher wall height is determined by the Planning Commission to be necessary to provide adequate screening.
2. Walls shall be solid in character, and capped with a stone or concrete cap.
3. Wall materials shall be coordinated with the primary building materials on the site. The Planning Commission may require that decorative masonry (brick, stone, or decorative block) materials be incorporated into the wall design and construction.

**Section 8.05 Standards for Specific Areas.**

The following standards are intended to address the specific screening and buffering needs of particular areas or portions of a site, in accordance with the purpose and objectives of this Article:

**A. Parking Lot Screening.**

Screening for off-street parking lots shall be subject to the following:

1. **Perimeter screening.** Parking lots shall be screened from all abutting residential districts and road rights-of-way in accordance with Section 8.04 (Methods of Screening and Buffering).
2. **Snow storage area.** Adequate snow storage area shall be provided within the site, and plant materials shall be hardy, salt-tolerant species characterized by low maintenance requirements.
3. **Landscaping within parking lots.** The Planning Commission may require installation of planting islands within parking lots that exceed 50 parking spaces or 15,000 square feet of paved surface area, to define egress/ingress points, interior circulation system, and fire lanes. Such planting islands shall be subject to the following (also see illustration):
  - a. Planting islands shall have a minimum width of ten (10) feet, and a minimum area of 160 square feet.
  - b. A minimum of one (1) deciduous shade tree or ornamental tree shall be provided for each planting island. Shrubs and live groundcover plantings shall be used to cover all unplanted areas of the island.
  - c. Planting islands shall be located at the ends of each parking row, unless otherwise approved by the Planning Commission.

**B. Storage and Service Area Screening.**

Loading areas, storage areas and service areas, outdoor trash storage areas, public utility and essential service uses and structures, ground equipment shelters, ground-mounted transformers and HVAC units, electric sub-stations, gas regulator stations, and similar facilities shall be screened from road rights-of-way and adjacent uses in accordance with Section 8.04 (Methods of Screening and Buffering).

**C. Detention and Retention Basin Screening.**

Where a detention or retention basin, or similar stormwater management facility is required, such facilities shall comply with the following:

1. To the extent possible, basin configurations shall be incorporated into the natural topography. Where this is not practical, the basin shall be shaped to emulate a naturally formed or free form depression. The basin edge shall consist of sculptured landforms to filter and soften views of the basin.
2. Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, the location and design shall be subject to Planning Commission approval.
3. Basins may be planted with a mixture of groundcover and wetland-based plantings native to Michigan, such as native grasses or wildflowers.
4. A perimeter greenbelt buffer shall be provided in accordance with Section 8.04A (Greenbelt Buffer) and the following:
  - a. Plantings shall be clustered around the basin to achieve a variety of plant materials, and to replicate a natural environment. Deciduous shade trees shall be clustered around the south and west sides of the basin to provide shade and minimize solar heating of the water.
  - b. Trees shall be planted above the freeboard line of the basin. Any plantings proposed below the freeboard line shall be tolerant of wet or moist soil conditions. The location of plant materials shall take into consideration the need to provide access for routine basin maintenance.

**Section 8.06 Prohibited Plant Materials.**

The following trees are not considered desirable plant materials because of various problems, except where removal of existing trees would result in a loss of screening or buffering, or where noted below:

SPECIES	COMMON NAME
Acer negundo	Box Elder

SPECIES	COMMON NAME
Ulmus x	Elm varieties; except disease-resistant cultivars, such as 'Regal', 'Pioneer', 'Homestead', 'Jacan' and 'Accolade'
Aesculus x	Horse Chestnut; except for use in greenbelts and transition zones between developed and un-developed areas of a site
Populus x	Poplar varieties
Elaeagnus x	Olive varieties
Salix x	Willow varieties; except in appropriate wetland ecosystems
Catalpa x	Catalpa varieties
Ailanthus altissima	Tree of Heaven
Ginkgo biloba	Ginkgo (female); male trees are acceptable
Robinia pseudoacacia	Black locust
Morus alba	Mulberry (white)
Acer saccharinum	Silver Maple
Fraxinus x	Ash varieties

**Section 8.07 Installation.**

All screening shall be installed in a manner consistent with the standards of the American Association of Nurserymen, the approved site plan, and the following:

1. **Deadline for installation.** Installation of required screening elements and plant materials shall be completed within 365 days from the date of site plan approval for the project.
2. **Extension.** The Zoning Administrator may extend the deadline to allow installation of required plant materials by the end of the next planting season, upon determination that weather conditions, development phasing, or other factors would jeopardize required plant materials and prevent their installation by the deadline specified in this Section.
3. **Performance guarantee.** The Zoning Administrator may require submittal of a performance guarantee, per Section 1.09 (Fees and Performance Guarantees), to cover the cost of installing required screening elements and plant materials. After installation has been completed, the Zoning Administrator shall conduct an inspection of the plant materials before the performance guarantee may be released.



### **Section 8.08 Maintenance.**

All screening elements and plant materials shall be maintained in accordance with the approved site plan, and the following:

1. Maintenance procedures and frequencies to be followed shall be specified on the site plan, along with the manner in which the effectiveness, health, and intended functions of the screening elements and plant materials on the site will be ensured.
2. Plant materials shall be kept in a neat, orderly and healthy growing condition, free from weeds, debris and refuse. Tree stakes, guy wires and tree wrap shall be removed after one (1) year.
3. Pruning of plant materials shall be limited to the minimum necessary to ensure proper maturation of plants to achieve their intended purpose.
4. All required screening elements and plant materials shall be planted and maintained in accordance with an approved site plan. Failure to maintain required screening, including the removal and replacement of dead or diseased plant materials, shall be a violation of this Ordinance.
5. The replacement or removal of plant materials in a manner not consistent with an approved site plan shall be a violation of this Ordinance.
6. Adequate provisions shall be made to supply water to all required plant materials as necessary to ensure proper growth and development.

### **Section 8.09 Exceptions.**

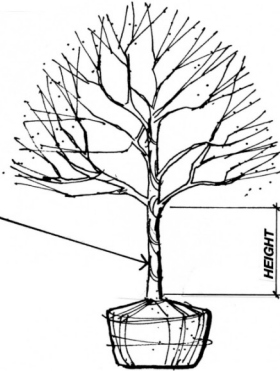
The Planning Commission may reduce or waive the specific standards of this Article, upon determination that the screening requirements and purposes of this Article have been satisfied by existing topography, vegetation or other means acceptable to the Planning Commission.

# ILLUSTRATIONS

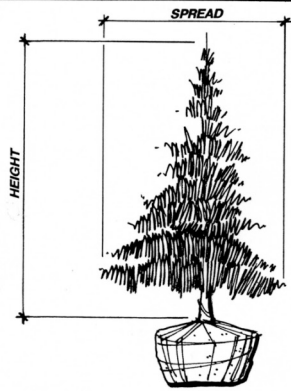
## TREE CALIPER MEASUREMENTS

FOR NEW TREES ONLY;  
SEE WOODLANDS PROTECTION  
ORDINANCE FOR MEASUREMENT  
OF EXISTING TREES

TAKE MEASUREMENT  
12" ABOVE GROUND  
LEVEL

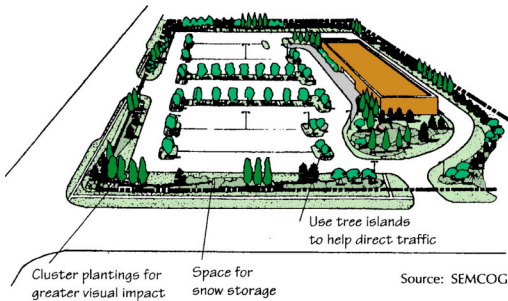
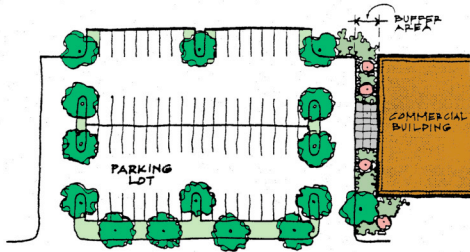


## DECIDUOUS CANOPY TREE

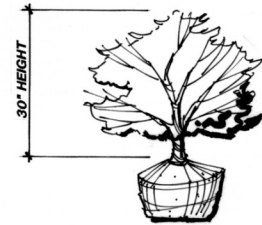


## EVERGREEN TREE

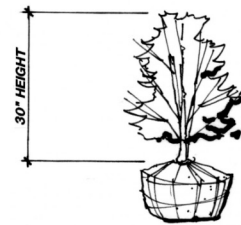
### Minimum Plant Sizes



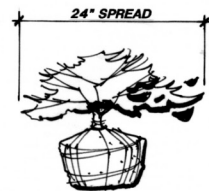
### Landscaping Within Parking Lots



## DECIDUOUS SHRUB

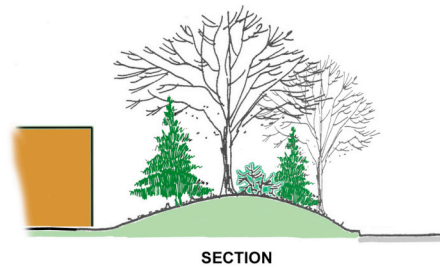


## UPRIGHT EVERGREEN SHRUB



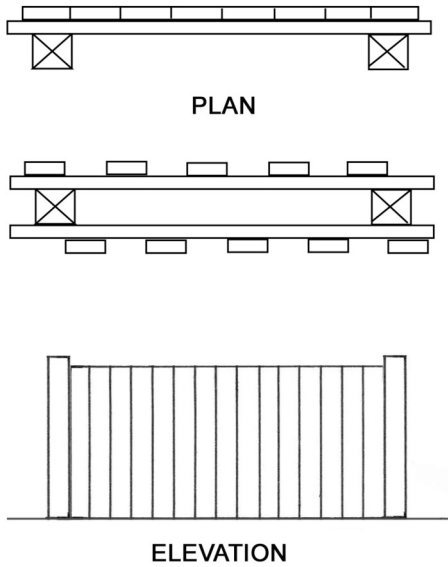
## SPREADING EVERGREEN SHRUB

### Minimum Plant Sizes

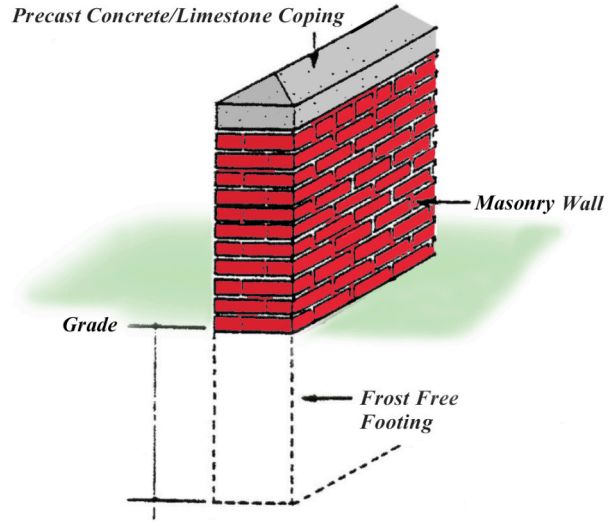


### Berm

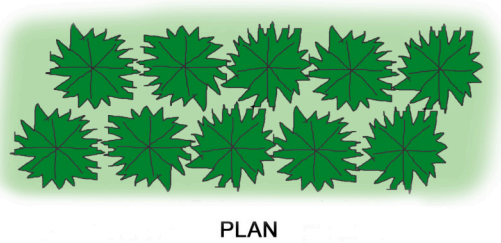
# ILLUSTRATIONS



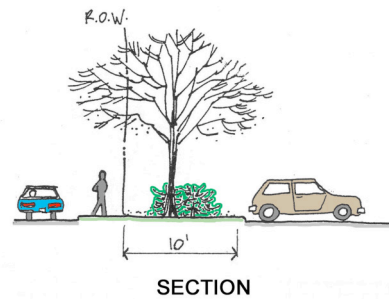
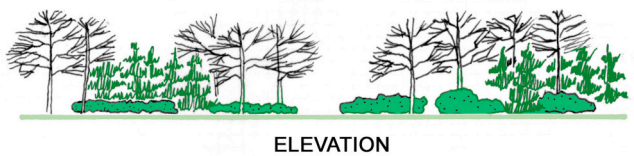
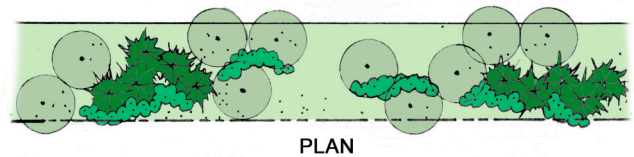
Fence



Screen Wall



Evergreen Screen



Greenbelt Buffer

## ARTICLE 9 SIGNS

### Section 9.01 Purpose.

The primary function of signage, as it relates to this Ordinance, is to identify a particular use or business occupying a zoning lot or building in the Township. The Township further finds that reasonable use of signage promotes commerce, and that failure to regulate the size, location, and construction of signs in the Township may adversely impact the promotion of commerce, lead to poor identification of businesses, and contribute to deterioration of the Township's business districts and neighborhoods.

Unrestricted signage does not benefit individual businesses or property owners, or the community as a whole, because a proliferation of signs in the Township would unduly distract motorists and pedestrians: create traffic hazards: restrict light and air: harm the Township's appearance: contribute to blighting: negatively impact property values; and reduce the effectiveness of signs needed to direct and warn the public. Reasonable regulation of signs is necessary to minimize hazards and distractions for motorists and pedestrians, and to preserve the Township's character and appearance. The provisions of this Article shall be considered to be the minimum necessary to promote and protect the public health, safety, comfort, morals, and convenience. The further purposes of this Article are to:

1. Encourage free expression of ideas and dissemination of messages, regardless of content, using signs that are compatible with their surroundings and legible under the circumstances in which they are seen.
2. Regulate the construction, alteration, repair, and maintenance of all signs with respect to safety, location, type of sign, dimensions, height, and method of illumination.
3. Prohibit signs and the proliferation of visual clutter that would confuse, distract or mislead motorists; endanger the public health or safety; obstruct vision; or potentially harm business opportunities or community appearance.
4. Protect public and private investment in buildings, businesses, and land; and prevent the placement of signs that would conceal or obscure traffic control devices, official markers or signs advertising adjacent uses.
5. Protect the general public from damage and injury caused by distractions, hazards or obstructions caused by poorly designed or improperly constructed signage.
6. Preserve the appearance of the Township by preventing the placement of oversized signs that are out of scale with surrounding buildings and uses.
7. Seek the removal of unlawful and abandoned signs, and encourage the replacement or removal of nonconforming signs that are incompatible with the purpose of this Article.

## **Section 9.02 General Standards.**

The following general standards shall apply to signs in all zoning districts:

### **A. Standards of Measurement.**

Dimensional standards and measurements for signs shall be subject to the following:

1. **Sign area.** The surface area of a sign shall be measured and defined by the area of a rectangular or circular figure that encloses the extreme limits of individual letters, words, symbols or message of the sign together with any frame (see illustration).
  - a. Where two (2) sign faces with identical sign areas are placed back to back within two (2) feet of one another, then the sign area shall equal the area of one (1) face.
  - b. Where two (2) sign faces with different sign areas are placed back to back within two (2) feet of one another, then the sign area shall equal the area of the larger face.
  - c. Where two (2) or more sign faces are placed more than two (2) feet from one another at any point, then the sign area shall equal the total area of all sign faces.
2. **Sign height.** The distance from the average level of the ground or pavement directly below the sign to the highest point of the sign structure, including any supportive or decorative elements (see illustration).
3. **Sign setback.** Setbacks shall be measured from the closest road right-of-way or front lot line to the nearest edge of the sign.
4. **Signable area.** The signable area of a building shall equal the area of the building's street level façade (see illustration).
  - a. **Multiple uses.** Where more than one business or use occupies space on the street level façade, the total signable area allowed for the building shall be divided among the businesses or uses in proportion to the size of each occupied space.
  - b. **Corner lots.** Where a building has two (2) or more street level facades (such as on a corner lot), the signable area shall equal the area of the largest street level façade.

### **B. Construction and Maintenance.**

All signs shall be constructed or installed in compliance with the State Construction Code enforced by Gladwin County, and all applicable fire and electrical codes. All signs shall be maintained in good repair and working order, and shall present a neat and orderly appearance. Non-galvanized or corrosion-resistant materials shall be painted as necessary to prevent corrosion.

All sign faces shall be smooth, and no nails, tacks or wires shall be permitted to protrude from any sign. This shall not exclude the use of block letters, decorative elements or other devices that may extend over the top or in front of the sign structure.

**C. Placement Requirements.**

No sign may extend above any parapet or be placed upon any roof surface. For purposes of this Article, roof surfaces constructed at an angle of 75 degrees or more from horizontal (such as mansard roofs) shall be regarded as wall space.

No sign attached to a building, other than a permitted awning or projecting sign, may project more than one (1) foot from the building wall.

Signs shall not be located within nor extend over any road right-of-way or corner clearance area, except where specifically authorized by this Article. This restriction shall include any future planned rights-of-way identified in the master transportation plans for the Township, county or state road authorities.

**D. Hazards and Obstructions.**

Signs shall not be designed or maintained in a manner that would confuse or mislead motorists or pedestrians, create traffic or pedestrian hazards, obstruct free and clear vision or interfere with any traffic control device. No sign shall be erected or maintained so as to prevent ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe, fire escape or other means of ingress or egress.

All signs shall be located at least ten (10) feet from any road right-of-way, utility pole, overhead wire, transformer or streetlight.

**E. Use.**

Signs shall not impair the use of adjacent properties. All signs shall be accessory to the principal use of the lot where the sign is located, unless specifically permitted by this Article as a non-accessory sign. Any sign permitted by this Article may contain a non-commercial message. A changeable copy area shall be allowed as part of a permitted sign, provided that the changeable copy area shall not exceed fifty percent (50%) of the total sign area.

**F. Illumination.**

Internal and external sign illumination shall be permitted, subject to the standards of Article 10 (Exterior Lighting) and the following (see illustration):

1. **External sign illumination.** External illumination of signs shall be permitted in any zoning district, provided that all external light sources shall be fully-shielded and directed towards the sign face, with all lighting concentrated on the sign copy area.
2. **Internal sign illumination.** Signs accessory to non-residential uses in any zoning district may be internally illuminated, provided that the sign faces are more than fifty percent (50%) covered by semi-opaque colors and materials with

a color value and saturation of fifty percent (50%) or higher (see illustration). Internal illumination of signs accessory to residential uses shall be prohibited.

3. **Hours of illumination.** Illuminated signs shall be equipped with a functional timer control. Such signs shall not be illuminated after 11:00 p.m., or one-half (½) hour following the close of the business day, whichever is later. Such signs shall not be illuminated before sunrise or one-half (½) hour prior to the beginning of the business day, whichever is earlier.
4. **Other limitations.** Sign illumination shall be further limited as follows:
  - a. Sign illumination shall be provided solely by electrical means or devices, and shall not be of a flashing, intermittent, moving or animated type.
  - b. Luminous tube lighting (neon, fluorescent or similar) shall not be directly visible from any road right-of-way or adjacent property, but may be used as an indirect light source, or if shielded by translucent panels or similar methods.
  - c. Illumination of temporary signs shall be prohibited.

**Section 9.03 Signs Allowed Without a Permit.**

The following non-illuminated signs are exempt from Section 9.09 (Sign Permit) requirements, and shall be permitted accessory to a permitted use in any zoning district:

**A. Temporary Non-Commercial Signs.**

For the purpose of this Section, signs posted by or at the direction of a property owner or their agent for the purpose of marketing property for sale or lease shall be considered temporary non-commercial signs. Temporary non-commercial signs shall be subject to the following:

1. The maximum permitted height and total sign area shall not exceed the following:

ZONING DISTRICT		MAXIMUM TOTAL SIGN AREA	MAXIMUM SIGN HEIGHT
Agriculture-Conservation District	A-1	32 square feet	6 feet
Residential Districts	R-1, R-A, IS-1, R-M, MHP	8 square feet	4 feet
Other Districts	C-1, C-2, IND, PSP	32 square feet	6 feet

2. Such signs shall be removed by the property or business owner, agent or person responsible for creating or placing the sign on the lot within five (5) calendar

days following completion or discontinuation of the associated event, action or activity.

3. Such signs shall not be located within or over any road right-of-way, except as authorized by the Township Board.
4. Such signs determined by the Zoning Administrator to be in a torn, damaged or unsafe condition shall be immediately removed by the owner, agent or person responsible for creating or placing the sign on the lot.
5. Such signs shall be prohibited accessory to a home occupation.

**B. Nameplate and Address Numbers.**

All principal buildings shall display their assigned address number in a manner legible from the road right-of-way. In addition, one (1) non-illuminated nameplate shall be permitted per principal building to identify the use or occupants, which shall not exceed two (2) square-feet in area and shall be attached flat against the building wall.

**C. Other Signs and Sign-Related Activities.**

The following types of signs and sign-related activities shall be permitted accessory to a permitted use in any zoning district:

1. Painting, servicing, cleaning or minor repairs to an existing sign, provided that the sign is restored to its original design and all work is in compliance with applicable structural and electrical codes, and the requirements for such signs specified in this Article.
2. One (1) window sign accessory to a permitted non-residential use, which shall not exceed two (2) square-feet in area and may be illuminated.
3. Memorial signs, tablets or markers cut into any masonry surface or constructed of bronze or other incombustible material.
4. Flags bearing the official design of a nation, state, municipality, educational institution, award or non-profit organization, including pennants installed by the Township on or over public roads for aesthetic or promotional purposes.
5. Signs of a duly constituted governmental body; signs required to be maintained by law or governmental order, rule or regulation; signs identifying public access, municipal facilities and similar official markers; and incidental signs displayed for the direction, safety or convenience of the public.
6. Traffic safety and control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
7. Changes to sign copy within an approved changeable copy area.
8. Posting of notices on private property with frontage on a public road, provided that each sign shall be no more than two (2) square-feet in area.



9. Incidental signs on vehicles, trailers, portable liquid propane tanks, and similar transitory devices that are associated with and regularly used in the course of conducting the principal use located on the premises.

## **Section 9.04 Signs Allowed With a Permit.**

The following signs shall be permitted accessory to a permitted use in any zoning district, subject to approval of a sign permit in accordance with Section 9.09 (Sign Permit) requirements:

### **A. Site Entry Features with Signage.**

Site entry features with signage may be erected at the entrance to a residential subdivision, multiple-family residential development, manufactured housing park or industrial park, subject to the following (see illustration):

1. **Number of signs.** Maximum of one (1) sign on each side of the entrance from a public road classified as a collector, arterial or thoroughfare by the master transportation plans for the Township, county or state road authorities.
2. **Setbacks.** Site entry features with signage be set back a minimum of ten (10) feet from any road right-of-way or edge of pavement for any internal access drive, and shall be located outside of any corner clearance area.
3. **Sign area and height.** The maximum height for signs on a site entry feature shall not exceed six (6) feet, and the maximum sign area shall not exceed 32 square feet.
4. **Illumination.** Illumination of such signs shall be limited to external light sources.

### **D. Construction Signs.**

Temporary construction signs shall be subject to the following:

1. **Number of signs.** Maximum of one (1) sign per road frontage of the zoning lot.
2. **Sign area, height and location.** The maximum sign area shall not exceed 32 square-feet, and the maximum sign height shall not exceed six (6) feet. Construction signs shall be set back a minimum of ten (10) feet from any road right-of-way.
3. **Display period.** The sign shall not be erected prior to approval of a site plan, final preliminary plat or equivalent Township action, and shall be removed within five (5) calendar days of completion of the project's final phase.

**F. Other Temporary Signs.**

Temporary signs not otherwise regulated by this Section or Section 9.03 (Signs Allowed Without a Permit), including balloon signs, portable signs, festoons, banners, and similar temporary signs shall be subject to the following:

1. A maximum of one (1) such sign shall be permitted per road frontage.
2. Such signs shall not exceed the height of the principal building on the lot or the maximum permitted height in the zoning district, whichever is less.
3. Such signs shall be permitted for a maximum of 30 display days per calendar year.
4. Location of temporary signs within or over road rights-of-way shall be subject to Township Board approval, and may require approval from county or state road authorities with jurisdiction.
5. A removal agreement or security bond may be required by the Township to guarantee removal of such signs.

**Section 9.05 Building-Mounted Signs**

The intent of this Section is to establish consistent and reasonable standards for the location, size and range of permitted types of signs located on buildings in the Township, and to minimize the proliferation of excessive or out-of-scale building signage that would compete for the attention of motorists, or create traffic hazards or visual blight within the Township.

The following shall apply to all building-mounted signs accessory to non-residential uses in any zoning district [signs associated with residential uses are subject to the standards of Section 9.04 (Signs Allowed with a Permit)]:

**A. Building-Mounted Sign Standards.**

TABLE 16-1	TYPE OF PERMITTED SIGNS			
	WALL	AWNING	PROJECTING	WINDOW
Permit required?	yes	yes	yes	no
Internal or external illumination permitted?	yes	yes	yes	no
Maximum number of sign faces per sign	1	1	2	1
Minimum sign height above ground (feet)	none	7.5 feet	10.0 feet	none
Maximum permitted sign area of all signs(square feet)	10% of the signable area of the building space occupied by the use.			15% of the street level window surface area.

1. **Location.** All building-mounted signs shall be located within the street level façade(s).

2. **Awning signs.** Awning signs shall be restricted to the awning valance, which is the portion of the awning fabric that is parallel to the facade wall (perpendicular to the ground).
3. **Projecting signs.** One (1) projecting sign shall be permitted per building, with a maximum sign area of 20 square feet per sign face. Such signs shall be secured to the building by metal anchors, bolts, supports, rods or braces, and shall project from the wall at an angle of 90 degrees (see illustration).
4. **Painted wall signs.** Signs applied with paint or similar substance on an exterior surface of a structure shall be considered a building-mounted sign subject to this Section.

**Section 9.06 Ground Signs.**

The intent of this Section is to establish consistent and reasonable standards for the height, location and size of ground signs in the Township, and to minimize the proliferation of excessive or out-of-scale ground signage that would compete for the attention of motorists, or create traffic hazards or visual blight within the Township.

The following shall apply to all ground signs (see illustration) accessory to non-residential uses in any zoning district [signs associated with residential uses are subject to the standards of Section 9.04 (Signs Allowed with a Permit)]:

**A. Ground Sign Standards.**

<b>MAXIMUM GROUND SIGN HEIGHT</b>	<b>MINIMUM SIGN SETBACK FROM BUILDINGS AND ROAD RIGHTS-OF-WAY</b>	<b>MAXIMUM SIGN AREA PER GROUND SIGN</b>	<b>MAXIMUM NUMBER OF GROUND SIGNS PER ZONING LOT</b>
25 feet	10 feet	100 square feet	1

1. No person shall erect, alter or relocate a ground sign, including any changes in a sign copy area, without first obtaining appropriate permits from the Township.
2. Ground signs shall be prohibited within corner clearance areas, as defined in Section 4.304 (Corner Clearance Areas).

**B. Permitted Modifications.**

The following modifications to the standards of this Section have been established to:

1. Preserve the rural character and appearance of the Township’s Agriculture-Conservation (A-1) District, while permitting reasonable signage for permitted non-residential uses in the district.
2. Preserve the neighborhood character and appearance of the Township’s residential districts (R-1, R-A, IS-1, R-M, or MHP) through more restrictive signage standards for permitted non-residential uses in these districts.

3. Ensure that permitted signage is in reasonable proportion to the land use intensity, and address the specific signage needs of multi-tenant developments, large land uses, and uses that abut roads with expansive rights-of-way.

Modifiers shall be cumulative down each column of the following table, as applied to a particular land use or zoning lot:

**Section 9.06 Ground Signs.**

	MAXIMUM SIGN HEIGHT	MINIMUM SIGN SETBACK	MAXIMUM SIGN AREA	MAXIMUM NUMBER OF SIGNS
	25 feet	10 feet	100 square feet	1
<b>PERMITTED MODIFIERS</b>				
<b>Sign located in the A-1 District</b>	- 15 feet	no change	- 52 square feet	no change
<b>Sign located in the R-1, R-A, IS-1, R-M, or MHP Districts</b>	- 15 feet	no change	- 68 square feet	no change
<b>Sign located in the PSP District</b>	- 15 feet	no change	- 52 square feet	no change
<b>Total lot frontage =</b> <ul style="list-style-type: none"> <li>➢ 500 feet or more of on one (1) road right-of-way, or</li> <li>➢ 750 feet or more on two (2) or more road rights-of-way.</li> </ul>	no change	no change	+ 20 square feet	+ 1 additional sign
<b>Sign abuts a road right-of-way width of 120 feet or more.</b>	no change	no change	+ 20 square feet	no change
<b>Multi-tenant or shopping center development with five (5) or more separate non-residential uses.</b>	no change	no change	+ 40 square feet	no change
<b>TOTAL PERMITTED WITH MODIFIERS:</b>	_____ feet	_____ feet	_____ square feet	_____ sign(s)

Cumulative Modifiers

**Section 9.07 Billboards.**

**A. Findings.**

The Township has made the following determinations related to billboard signs:

1. The placement of signs on lots or structures in the Township that exceed the maximum permitted height or area standards of this Article would result in visual pollution and obstructions of light and air for adjoining lots and uses.
2. Billboard signs are not appropriate in the A-1 (Agriculture-Conservation) District and other undeveloped areas of the Township, because such signs would detract from the visual appearance and rural/recreational character of the Township,

which attracts seasonal visitors, part-year residents, and tourists that benefit the local economy.

3. Billboard signs are not appropriate in areas zoned for residential uses, because the intense commercial nature of the advertising activity would be harmful to residential property values and incompatible with the quality of life in residential areas.
4. Billboard signs are not appropriate in the Township's commercial districts, because such signs would be out-of-scale with the structures and character of the districts, incompatible with abutting residential and recreational uses, and harmful to the promotion of commerce in the district.
5. Billboard signs are not appropriate in areas along the state trunkline highway (M-30) and county primary roads in the Township, because a proliferation of billboard signs would create visual clutter, compete for the visual attention of motorists, and increase hazards for motorists and pedestrians.
6. The placement of new billboard signs in the Township is contrary to the purpose of this Article, and the goals and objectives of the Township's Master Plan.

**B. Billboards Prohibited.**

In accordance with the above findings, billboard signs are hereby prohibited within the Billings Township.

**C. Existing Billboards.**

Billboard signs lawfully existing in the Township on the date of adoption of this Ordinance shall be permitted to continue, subject to the provisions of Section 9.10 (Nonconforming Signs). The Zoning Administrator shall be responsible for maintaining an inventory of the location and condition of all existing billboard signs in the Township.

**Section 9.08 Prohibited Signs.**

The following types of signs are prohibited in all districts:

1. Signs that copy, imitate or in any way resemble or could be confused with an official highway, traffic or government sign, signal or traffic control device; carry the words 'stop' or 'danger'; or obscure a sign, signal or traffic control device displayed by public authority to provide traffic instruction, direction or public information.
2. Signs painted on or attached to trees, rocks, utility poles, streetlights, park-type benches, fences, streetlights or similar locations.
3. Signs placed upon or across any public right-of-way or upon any Township property, except as expressly authorized by this Article or the Township Board.

4. Signs that incorporate string lights; flashing, moving or intermittent lights of changing degrees or intensity; exposed incandescent bulbs; animation; or unshielded luminous tube lighting.
5. Exterior string lights accessory to a non-residential use, other than holiday decoration or when used as an embellishment to landscape plant materials.
6. Signs that have any visible moving parts, mechanical movement, rotation, or other apparent visible movement achieved by electrical or mechanical means or by action of normal wind currents; and signs that discharge any audible sound, odor or visible matter.
7. Roof signs, and signs that obstruct window or door openings, inhibit ingress or egress, or interfere with building ventilation.
8. Portable and temporary signs, banners, balloons, festoons, spinners, and streamers displayed without required permits or outside of permitted size, location or time period limitations.
9. Non-accessory and off-premises signs, except as otherwise provided for in this Article.
10. Abandoned or unlawful signs, displays of obscene material on any sign, and any other sign not expressly permitted by this Article.

## **Section 9.09 Sign Permit**

It shall be unlawful for any person to erect, alter, or relocate any sign, sign structure, or sign copy area subject to permit approval under the provisions of this Article, without first obtaining appropriate permit(s) from the Township and paying the required permit fee according to the schedule of fees established by the Township Board.

### **A. Required Information.**

The following shall be provided with any permit application:

1. **Application information.** Permit applications shall include the following information:
  - a. The name, address and telephone numbers for the applicant, property owner, and sign contractor; address or property location where the sign is to be located; and written consent of the property or sign owner to perform the proposed work.
  - b. Where a proposed sign would encroach into the county or state road right-of-way, copies of permits or approvals from the county road authority or Michigan Department of Transportation (MDOT) shall be provided.

- c. Any other information required by the Zoning Administrator to show full compliance with this Ordinance.
2. **Plot plan.** A plot plan shall include a parcel survey, easements, dimensions, locations of all structures, and all existing and proposed signs on the zoning lot. If building-mounted signs are proposed, elevation drawings of all buildings on the site shall be provided showing all existing and proposed building-mounted signs.
3. **Construction drawings.** Specifications and drawings showing the materials, design, dimensions, structural supports, electrical components, and method of illumination.
4. **License and insurance.** Every person who engages in the business of erecting, altering or dismantling signs in the Township shall first submit proof of appropriate licenses and a liability insurance policy that indemnifies the Billings Township and its prior, present and future officials, representatives and employees from all damage suits or actions of every nature brought or claimed against the erector for injuries or damages to persons or property sustained by any person or persons through any act of omission or negligence of said erector, his servants, agents or employees. Said policy shall contain a clause whereby it cannot be canceled or changed until after written notice has been filed with the Zoning Administrator at least 30 days prior to the date of cancellation.
5. **Removal agreement or bond.** The Zoning Administrator may require a signed removal agreement, bond or other acceptable surety to guarantee the future removal of a sign.

**B. Duties of the Zoning Administrator.**

It shall be the duty of the Zoning Administrator to review sign permit applications, plans, and specifications. The Township shall issue such permits upon determinations by the Zoning Administrator that the proposed sign conforms with the requirements of this Ordinance, and all other applicable codes and ordinances enforced by the Township.

**C. Sign Permit Revocable At Any Time.**

Rights and privileges accrued under this Article are mere licenses, and may be revoked upon violation of any provision of this Article. If work authorized by an approved sign permit has not been completed within 365 days after date of issuance, the permit shall become null and void, and a new permit shall be necessary to continue the project.

**Section 9.10 Nonconforming Signs**

All existing signs that do not conform to the provisions of this Article and Ordinance shall be permitted to continue as nonconforming signs until removed or altered, at which time they shall conform to the provisions of this Article and Ordinance. Nonconforming signs shall be subject to the following:

**A. Good Working Order.**

Nonconforming signs shall be maintained in accordance with the requirements for all signs specified in Section 9.02 (General Standards). Nonconforming signs shall be maintained with all necessary structural and decorative parts, including but not limited to supports, sign frame, and electrical equipment. All sign copy areas shall be intact, and illuminated signs shall be capable of immediate illumination.

**B. Servicing.**

Painting, servicing, cleaning or minor repairs to a nonconforming sign shall be permitted, provided that the sign is restored to its original design and all work is in compliance with the requirements for all signs specified in Section 9.02 (General Standards).

**C. Alterations.**

Alterations to nonconforming signs shall be prohibited, except as follows:

1. **Sign copy area.** The sign copy area of a nonconforming sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the degree of nonconformity is not increased, and provided that any sign illumination is brought into compliance with the provisions of Section 9.02F (Illumination).
2. **Billboard signs.** A nonconforming billboard sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the sign area and height are not increased, and provided that any sign illumination is brought into compliance with the provisions of Section 9.02F (Illumination).
3. **Sign frame or structural elements.** Alterations to the sign frame or structural elements of a nonconforming sign shall be permitted, provided that the sign shall be brought into compliance with the maximum sign height and sign area standards for the location and type of sign, as specified in this Article.

Existing sign wiring and ground sign support structures may be re-used, provided that permitted alterations will not increase any nonconformity caused by inadequate sign setback.

**Section 9.11 Sign Removal by Township Action****A. Abandoned or Unlawful Signs.**

The Zoning Administrator shall have the authority to determine whether a sign is unlawful or has been abandoned, as defined in Section 18.02 (Definitions), and subject to appeal by an aggrieved person to the Zoning Board of Appeals. The Zoning Administrator may order the removal of such signs in accordance with the following procedure:

1. **Determination.** Written notification of the determination and any order for removal shall be provided by certified mail to the owner, operator or person having beneficial use of the property upon which the sign is located.



2. **Removal.** Abandoned or unlawful signs shall be removed within 30 days after notification of a determination and order for removal by the Zoning Administrator. All support structures and components shall be completely removed. Failure to remove the sign shall constitute grounds for the Township to seek Circuit Court approval to remove the sign at the property owner's expense. The owner shall reimburse the Township for removal costs, or the Township may place a lien on the property for necessary removal expenses.

**B. Damaged Signs.**

Signs determined to be in a damaged condition by the Zoning Administrator shall be repaired or removed within 30 days after notification by certified mail. If such action is not taken by the owner, operator or person having beneficial use of the property where the sign is located, the Zoning Administrator shall have the authority to order the repair or removal of the damaged sign. The owner shall reimburse the Township for repair or removal costs, or the Township may place a lien on the property for such expenses.

**C. Unsafe Signs.**

The Zoning Administrator may order the removal of any sign determined to be unsafe without prior notice. After removal, the Zoning Administrator shall notify the property owner by certified mail of the action taken and the reasons for the action. The owner shall reimburse the Township for removal, storage and reclamation costs, or the Township may place a lien on the property for such expenses.

**D. Nonconforming Signs.**

The elimination of nonconforming signs in the Township is hereby declared to be for a public purpose and for a public use. The Township may purchase nonconforming signs for the purpose of removal, or may initiate condemnation proceedings for nonconforming signs determined to be in violation of Section 9.10 (Nonconforming Signs) requirements.

**E. Temporary Signs.**

Temporary signs displayed within a road right-of-way or corner clearance area, without a valid permit, or after permit expiration may be removed by the Township without notice. Signs removed shall be held by the Township for five (5) calendar days, after which the sign may be discarded.

## **Section 9.12 Exceptions**

The Zoning Board of Appeals (ZBA) shall have the authority to grant an exception from the strict application of these regulations, provided that such relief may be granted without substantially impairing the intent of this Article. Application and consideration of sign exceptions shall be in accordance with the following procedures and standards:

**A. Applications for Sign Exceptions.**

Any party who has been denied a permit for a proposed sign may file a request for an exception to this Article with the ZBA within 30 calendar days of the decision.

Applications for exceptions from one (1) or more provisions of this Article shall be submitted in accordance with Section 17.04 (Applications). Following a public hearing the ZBA may consider the standards stated in Section for the merits of granting an exception to particular requirements of this Article.

**B. Procedures for Consideration of Sign Exceptions.**

Applications for exceptions from the provisions of this Article shall be considered by the ZBA in accordance with the procedures specified in Article 17 (Zoning Board of Appeals).

**C. Exception Standards for Signs.**

The ZBA shall consider the following standards while reviewing any application for an exception from one (1) or more provisions of this Article.

1. **Obstructions.** Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger public health or safety.
2. **Visibility.** A conforming sign would be blocked from the sight of passing motorists due to existing buildings, trees or other obstructions.
3. **Site features.** Construction of a conforming sign would require removal or severe alteration to significant features on the site, such as removal of trees, alteration of the natural topography, obstruction of a natural drainage course, or alteration or demolition of significant historical features or site amenities.
4. **Scale.** A sign that exceeds the allowable height or area standards of the Ordinance would be more appropriate in scale because of the large size or frontage of the premises or building.
5. **Intent of this Article.** The exception shall not substantially impair the intent and purpose of this Article.

**D. Findings and Conditions.**

In granting or denying a sign exception, the ZBA shall state the specific findings of fact supporting the decision. The ZBA may attach reasonable conditions to a sign exception approval regarding the location, character, timing of display or other features of the proposed sign.

**Section 9.13 Summary of Regulations.**

The following summary of selected sign provisions shall not supercede or replace other sections or regulations of this Article:

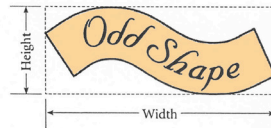
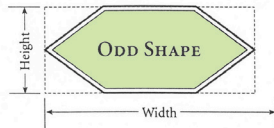
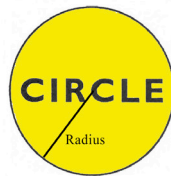
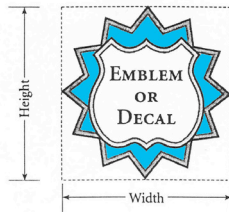
**A. Building-Mounted Sign Standards.**

TABLE 16-1	TYPE OF PERMITTED SIGNS			
	WALL	AWNING	PROJECTING	WINDOW
Permit required?	yes	yes	yes	no
Internal or external illumination permitted?	yes	yes	yes	no
Maximum number of sign faces per sign	1	1	2	1
Minimum sign height above ground (feet)	none	7.5 feet	10.0 feet	none
Maximum permitted sign area of all signs(square feet)	10% of the signable area of the building space occupied by the use.			15% of the street level window surface area.

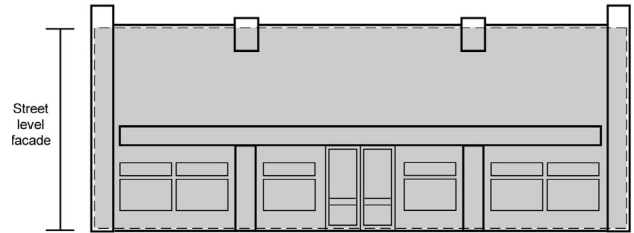
**B. Ground Sign Standards.**

PERMITTED MODIFIERS	MAXIMUM SIGN HEIGHT	MINIMUM SIGN SETBACK	MAXIMUM SIGN AREA	MAXIMUM NUMBER OF SIGNS
	25 feet	10 feet	100 square feet	1
Sign located in the A-1 District	- 15 feet	no change	- 52 square feet	no change
Sign located in the R-1, R-A, IS-1, R-M, or MHP Districts	- 15 feet	no change	- 68 square feet	no change
Sign located in the PSP District	- 15 feet	no change	- 52 square feet	no change
<b>Total lot frontage =</b> > 500 feet or more of on one (1) road right-of-way, or > 750 feet or more on two (2) or more road rights-of-way.	no change	no change	+ 20 square feet	+ 1 additional sign
Sign abuts a road right-of-way width of 120 feet or more.	no change	no change	+ 20 square feet	no change
Multi-tenant or shopping center development with five (5) or more separate non-residential uses.	no change	no change	+ 40 square feet	no change
<b>TOTAL PERMITTED WITH MODIFIERS:</b>	_____ feet	_____ feet	_____ square feet	_____ sign(s)

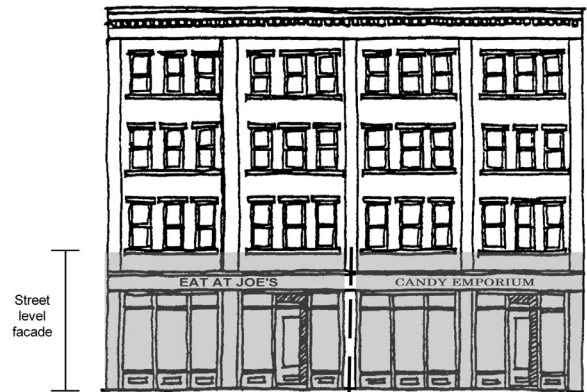
# ILLUSTRATIONS



## Computation of Sign Area

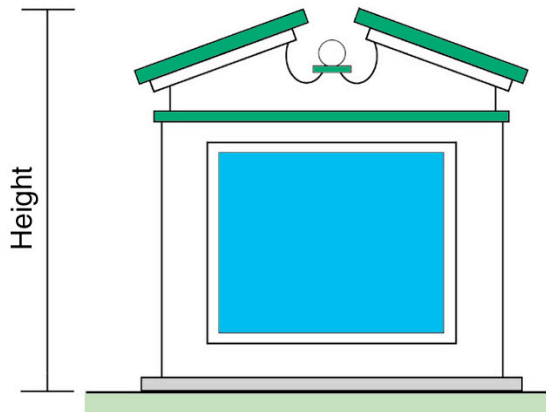
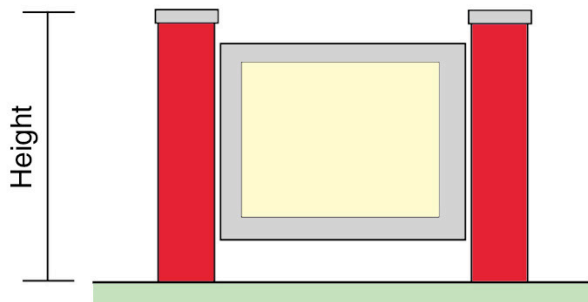


Single-story Building



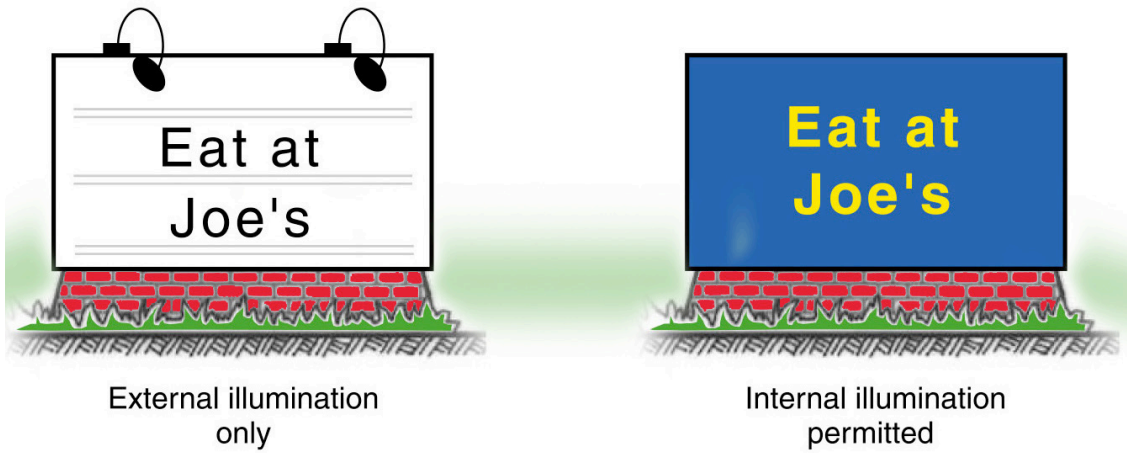
Multiple-story Building

## Signable Area

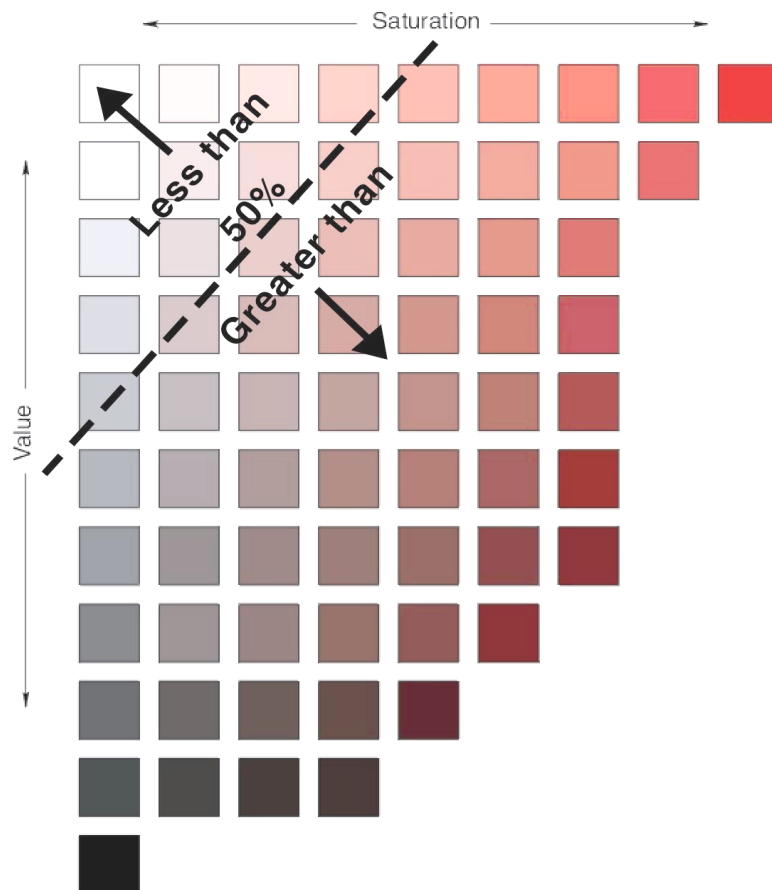


## Sign Height

# ILLUSTRATIONS

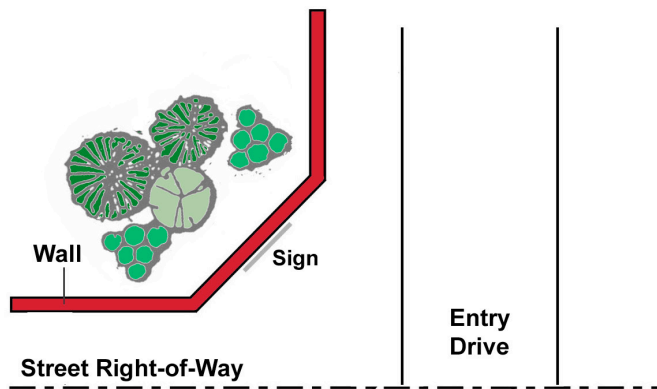
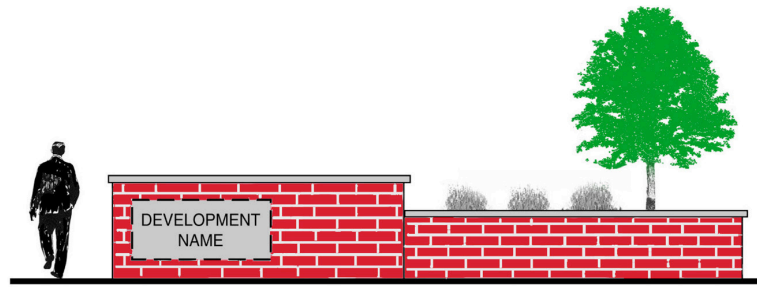


## Sign Illumination

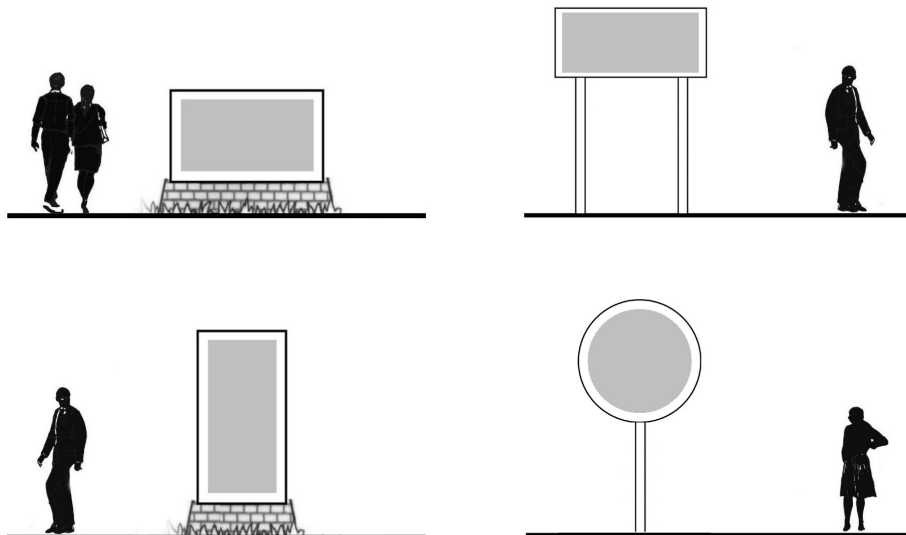


Color Value and Saturation

# ILLUSTRATIONS



## Site Entry Feature With Signage

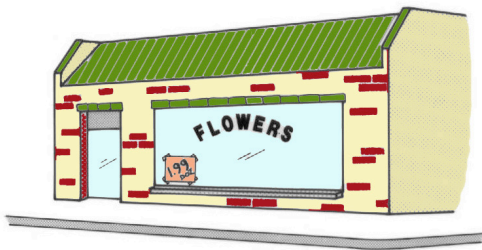


## Various Types of Ground Signs

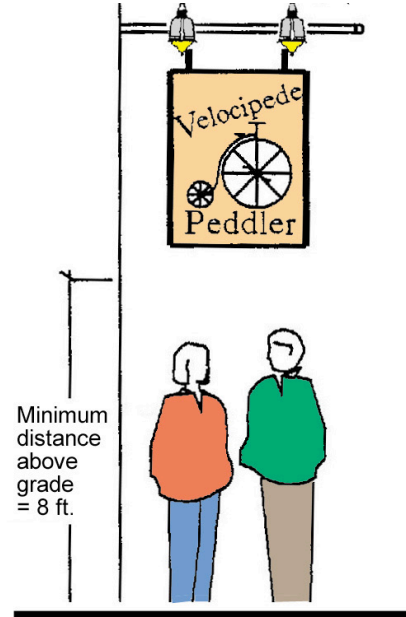
# ILLUSTRATIONS



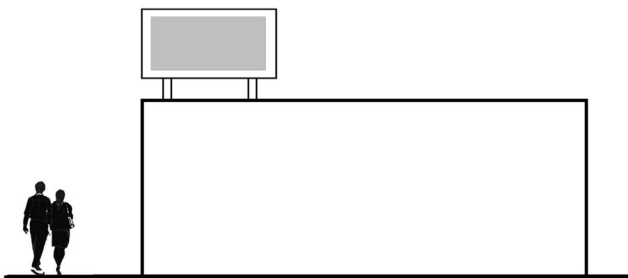
**Awning Sign**



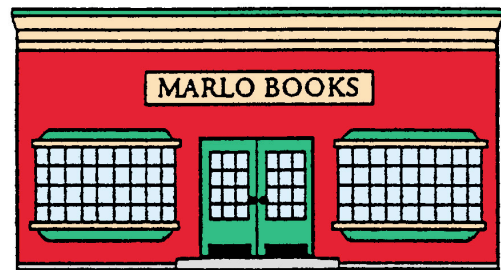
**Window Sign**



**Projecting Sign Detail**



**Roof Sign**



**Wall Sign**

## ARTICLE 10

# EXTERIOR LIGHTING

### Section 10.01 Purpose.

The purpose of this Article is to preserve the lawful nighttime use and enjoyment of all properties in the Township through the establishment and enforcement of reasonable and consistent exterior lighting standards. Exterior lighting shall be designed, installed, and maintained to control glare and light trespass; conserve energy and resources; and prevent the degradation of the nighttime visual environment.

The standards of this Article are intended to protect the general welfare by allowing sufficient (but not excessive) lighting for parking areas, walkways, driveways, building entrances, loading areas, and common areas; to minimize the adverse effects of inappropriate lighting; and to provide for the safety and security of people and property in the Township.

### Section 10.02 Scope.

The standards of this Article shall apply to all exterior lighting sources, and to all light sources visible from any road right-of-way or adjacent lot.

### Section 10.03 General Provisions.

The following general standards shall apply to all light sources regulated by this Article:

#### A. Fully-Shielded.

Exterior lighting shall be fully shielded, using concealed source fixtures directed downward and away from adjacent lots and road rights-of-way. All exterior light fixtures shall utilize full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution (see illustration).

#### B. Glare and Light Trespass.

Exterior lighting shall be designed, constructed, and maintained in a manner that minimizes off-site glare, light trespass on neighboring lots, and traffic hazards for motorists.

#### C. Lamp Wattage.

Lamp wattages and types shall be consistent with fixture's style and function, as follows:

1. Fixtures in parking lots and high traffic areas shall use low or high-pressure sodium, metal halide or similar lamp types with a maximum lamp wattage of 250 watts per fixture up to 20 feet in height above grade. A maximum of 400 watts per fixture shall be permitted for fixtures exceeding 20 feet in height above grade.



2. Decorative exterior light fixtures shall be limited to lamps with a maximum wattage of 100 watts per fixture.

**D. Intensity.**

The maximum intensity of light within any site shall not exceed the following standards:

<b>LIGHT INTENSITY</b>	<b>MAXIMUM (footcandles)</b>
At any point within the site	10.0
At any lot boundary or street right-of-way line	1.0

1. **Outdoor dealership sales area lighting.** The Planning Commission may permit a maximum lighting intensity of 20.0 footcandles for any point within a dealership outdoor sales area, provided that all site lighting is otherwise in compliance with this Ordinance.
2. **Pump island canopy lighting.** The Planning Commission may permit a maximum lighting intensity of 20.0 footcandles for any point under a gas station’s pump island canopy, provided that all light fixtures under the canopy shall be fully recessed into the canopy structure, and all site lighting is otherwise in compliance with this Ordinance (see illustration).

**E. Measurements.**

Measurements of exterior lighting height and intensity shall be made in accordance with the following:

1. Light intensity levels shall be measured on the horizontal plane at grade level within the site.
2. Light intensity levels shall be measured on the vertical plane of the lot or road right-of-way boundaries at a height of five (5) feet above grade.
3. Fixture height shall be measured from grade level to the highest point of the light source (see illustration).

**F. Submittal Requirements.**

The following exterior lighting information may be required by the Planning Commission or Zoning Administrator with any site plan, site condominium plan, subdivision plat or zoning permit application where exterior lighting is proposed to be altered or installed:

1. The location, type and height of all existing and proposed light fixtures.
2. A photometric grid measuring the overall light intensity within the site in footcandles.
3. Manufacturer’s specifications and details for each type of light fixture, including the total lumen output, type of lamp, and method of shielding.

## **Section 10.04 Standards by Type of Fixture.**

The following additional standards shall apply to specific types of exterior light fixtures, in addition to the provisions of Section 10.03 (General Standards):

### **A. Freestanding Pole Lighting.**

The following standards shall apply to all freestanding, pole-mounted light fixtures:

1. **Maximum overall height.** The maximum height of pole-mounted fixtures shall be directly proportional to the fixture's proximity to the boundary of a residential district or lot occupied by an existing residential use, as follows:

<b>Fixture Location</b>	<b>Maximum Height</b>
Less than 50 feet from a residential district or use	15 feet
50 feet to 300 feet from a residential district or use	20 feet
More than 300 feet from a residential district or use	25 feet

2. **Hours of operation.** All private exterior lighting systems accessory to non-residential uses shall incorporate automatic timers. Exterior light fixtures shall not be illuminated after 11:00 p.m., or one-half (1/2) hour following the close of the business day, whichever is later. Such fixtures shall not be illuminated before sunrise, or one-half (1/2) hour prior to the beginning of the business day, whichever is earlier. Minimal illumination for security purposes shall be permitted between these hours.

### **B. Architectural Lighting.**

Architectural lighting shall be subject to the following:

1. **Facade illumination.** Exterior illumination of building facades shall be limited to fully shielded fixtures directed downward and towards the facade. All light from such fixtures shall be concentrated on the wall surface. Uplighting of a building facade shall be prohibited.
2. **Accent lighting.** Unshielded luminous tube (neon) or fluorescent lighting shall be prohibited as an architectural detail on the exterior of any structure; including but not limited to rooflines, cornices, eaves, windows, and door openings. The Planning Commission may approve internally illuminated architectural bands or similar shielded lighting accents as part of a site plan, upon determining that such lighting accents would enhance the aesthetics of the site, and would not cause off-site glare or light pollution.

**C. Window Lighting.**

All interior light fixtures visible through a window from a public right-of-way or adjacent property shall be shielded to prevent glare at the property line or within a public right-of-way. Unshielded luminous tube (neon) and fluorescent light fixtures shall be prohibited where the light source would be visible through the window from a public right-of-way or adjacent property.

**D. Illuminated Signs.**

Sign illumination shall conform with the provisions of Article 13 (Signs).

**Section 10.05 Prohibited Lighting.**

The following types of exterior light sources and activities shall be prohibited:

1. **Mercury vapor lighting.** The installation of mercury vapor fixtures shall be prohibited.
2. **Animated lighting.** Lighting shall not be of a flashing, moving, animated or intermittent type, including electronic reader boards and other animated sign lighting.
3. **Searchlights and laser source lighting.** The use or operation of laser source light, searchlights, and similar high intensity light sources projected above the horizontal plane for outdoor advertising or entertainment purposes shall be prohibited.

**Section 10.06 Exempt Lighting.**

The following types of exterior lighting shall be exempt from the requirements of this Article, except that the Zoning Administrator may impose reasonable restrictions on the use of such lighting where necessary to protect the health, safety and welfare of the public:

1. Holiday decorations displayed for temporary periods not to exceed 90 calendar days.
2. Lighting for a permitted temporary circus, fair, carnival, or civic use.
3. Shielded pedestrian walkway lighting, and single family residential lighting that does not cause off-site glare or contribute to light pollution.
4. Circumstances where federal or state laws, rules or regulations take precedence over the provisions of this Article, or where fire, police, emergency, or repair personnel need light for temporary or emergency situations.
5. Fossil fuel light produced directly or indirectly from the combustion of natural gas or other utility-type fossil fuels (e.g., gas lamps).

## **Section 10.07 Alternatives and Substitutions.**

Specific lighting design alternatives or fixture substitutions may be permitted in accordance with the purpose of this Article and the following:

### **A. Decorative Light Fixtures.**

The Planning Commission may approve the use of decorative light fixtures as an alternative to fully shielded fixtures, where such fixtures would enhance the aesthetics of the site without causing off-site glare or light pollution.

### **B. Alternative Lighting Designs.**

The Planning Commission may approve an alternative lighting design, provided that the Commission finds that the design would be in accordance with the purpose of this Article.

### **C. Fixture Alteration or Replacement.**

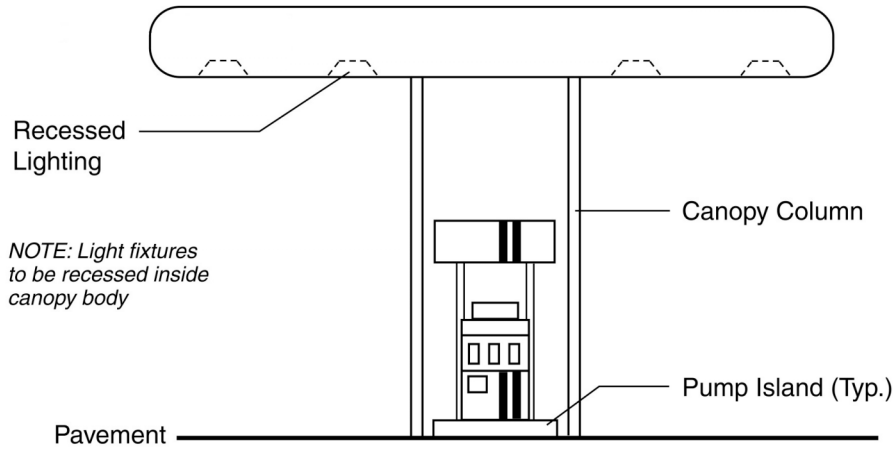
Light fixtures regulated by this Article shall not be altered or replaced after approval has been granted, except where the Zoning Administrator has verified that the alteration or replacement would comply with the provisions of this Article.

## **Section 10.08 Exceptions.**

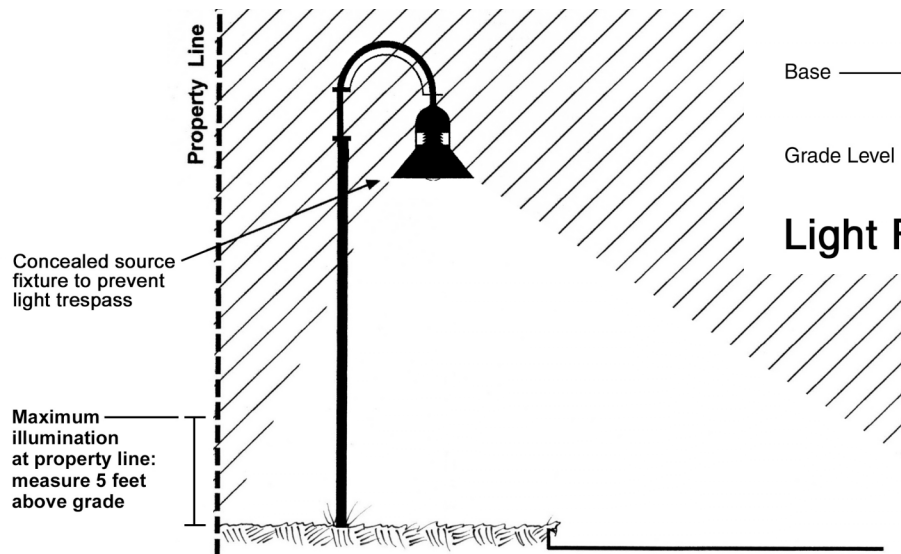
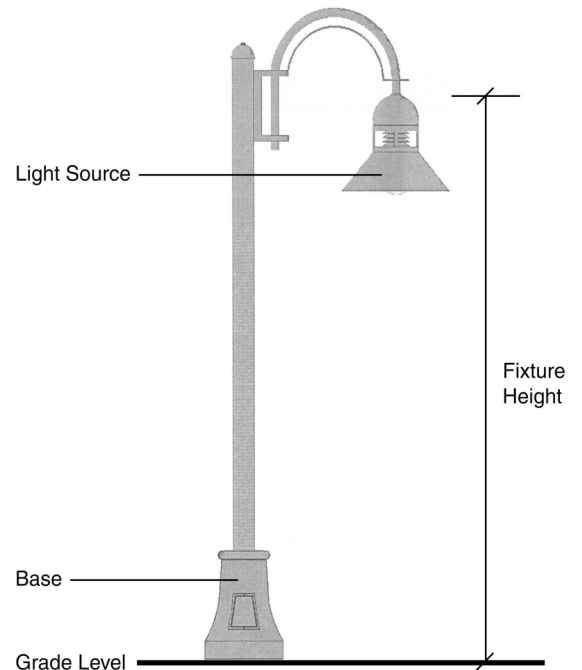
It is recognized by the Township that certain uses or circumstances may have special exterior lighting requirements not otherwise addressed by this Article. The Zoning Board of Appeals (ZBA) may waive or modify specific provisions of this Article for a particular use or circumstance, upon determining that all of the following conditions have been satisfied:

1. A public hearing shall be held for all lighting exception requests in accordance with the procedures set forth in Section 12.03 (Public Hearing Procedures).
2. The waiver or modification is necessary because of safety or design factors unique to the use, circumstance or site.
3. The minimum possible light intensity is proposed that would be adequate for the intended purpose. Consideration shall be given to maximizing safety and energy conservation; and to minimizing light pollution, off-site glare, and light trespass on to neighboring properties or street rights-of-way.
4. For lighting related to streets or other vehicle access areas, a determination is made that the purpose of the lighting cannot be achieved by installation of reflectorized markers, lines, informational signs, or other passive means.
5. Additional conditions or limitations may be imposed by the ZBA to protect the public health, safety or welfare, or to fulfill the spirit and purpose of this Article.

# ILLUSTRATIONS



## Pump Island Canopy Lighting



## Light Fixture Height

## Lighting Fixture Orientation and Shielding

## ARTICLE 11

### SPECIAL PROVISIONS

#### Section 11.01 Wireless Communication Facilities.

##### A. Purpose.

The purpose of this Article is to:

1. Carry out the will of the United States Congress by permitting facilities within the Township that are necessary for the operation of wireless communications systems, facilitating adequate and efficient provisions for wireless communications facility sites, and encouraging co-location of multiple antennae on a single tower.
2. Consider public health and safety in the location and operation of wireless communications facilities, and protect residential areas, community facilities, historic sites and landmarks from potential adverse impacts of towers and antennae.
3. Limit visual impacts by promoting the use of screening and innovative designs for such facilities, prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use.

##### B. Application.

The following information shall be provided with any application for approval of a wireless communications facility:

1. **Applicant information.** The name, address and telephone numbers for the applicant, property owner, tower operator and installation contractor; and the address, parcel identification number or location of the property on which the facility is to be located.
2. **Site plan.** A site plan, on eleven (11) inch by 17 inch paper, which identifies the type of wireless communications facility, as defined in this Ordinance, and includes the following:
  - a. A parcel survey, with easements, setback dimensions and the location of all existing and proposed structures and facilities on the zoning lot upon which the facility will be located, and all existing structures and uses within 300 feet of the boundaries of the zoning lot.
  - b. A screening plan, with details of proposed fencing and screening materials.
  - c. Elevation drawings of all proposed towers and other structures on the site.

- d. A location map for the proposed wireless communications facility, along with the location, height, type and owner or operator of all existing facilities within five (5) miles of the proposed location.
3. **Service area coverage maps.** A map of the area served by the provider's existing wireless communications facilities shall be provided, along with a map of the same area showing the additional service area coverage of proposed facilities.
4. **Construction drawings.** Construction drawings shall be provided that include plans, specifications, materials, designs, dimensions, structural supports, heights, electrical components, methods of construction and type of illumination for each wireless communications facility.
5. **Permission to locate.** The applicant shall submit copies of a signed lease or other proof, satisfactory to the Township Attorney, of permission to locate a wireless communications facility on the site.
6. **Co-location agreement.** The applicant for a new or altered tower shall submit a written agreement, transferable to all successors and assigns, stating that the tower operator shall make space available on the tower for co-location. Proposed antenna and equipment locations shall be indicated on the site plan and elevation drawings.
7. **Insurance certificate.** The applicant shall submit a valid certificate of insurance, to be renewed annually, listing the Billings Township as the certificate holder and naming the Billings Township, its past, present and future elected officials, representatives, employees, boards, commissions and agents as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail thirty (30) days written notice to the Township as certificate holder. The Township may require the applicant to supply a \$1,000.00 cash bond to the Township, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.
8. **Maintenance agreement.** The applicant shall submit a plan for the long-term maintenance of the facility that identifies who will be responsible for maintenance of the facility, access, easements and required landscaping. The plan shall include a method of notifying the Township if maintenance responsibilities change.
9. **Removal agreement.** The applicant shall submit a signed removal agreement and a security bond or letter of credit, satisfactory to the Township Attorney, for the removal of towers or antennas as applicable. The applicant shall demonstrate that adequate funds will be available to the Township for the removal of such towers or antennas, restoration of the site and associated administrative costs incurred by the Township in the event that the applicant, property owner or their successors fail to remove the tower or antenna in a timely manner as required by this Section.
10. **Tax-related information.** The applicant shall supply to the Township Assessor all tax-related information as requested for appraisal purposes. Upon receipt of

requested information, the Assessor shall provide notice to the Zoning Administrator that this condition has been satisfied.

11. **Engineering certification.** Stress sheets and calculations showing that the structure is designed in accordance with applicable dead load and wind pressure standards shall be submitted, along with signed certification by a professional engineer licensed by the State of Michigan specifying the manner in which the tower or antenna structure will fall in the event of accident, damage or failure, and verifying that the setback area would accommodate the structure and provide a reasonable buffer from adjacent parcels.

**C. Type of Review Required.**

The purpose of this Section is to establish consistent review procedures that ensure full compliance with the standards of this Article, and to ensure that the type and intensity of review and amount of required information is in direct proportion to the scale of the project and the intensity of the use. Wireless communications facilities shall be reviewed in accordance with the following table:

SITUATION OR USE	REQUIRED REVIEW AND APPROVAL		
	PLANNING COMMISSION	ZONING PERMIT	EXEMPT
<b>NEW TOWERS AND ANTENNAS</b>			
Construction of a new wireless communications tower or ground equipment enclosure area for a tower.	◆	◆	
Antenna(e) installation on an existing principal building or accessory structure that includes use of a ground equipment enclosure area outside of the existing building or structure.	◆	◆	
Antenna(e) installation on an existing principal building or accessory structure where all accessory equipment is installed and maintained within the existing building or structure.		◆	
Construction of television, radio, microwave, or public utility transmission towers, antennas or antenna arrays.	◆	◆	
<b>COLOCATION ON EXISTING TOWERS</b>			
Alteration or enlargement of a wireless communication tower that would continue to conform to maximum height requirements with an increase in the overall tower height by more than 20 feet or 10% of its original height, whichever is greater [ <b>also see Section 11.02C.3.d. below</b> ].	◆	◆	
Alteration or enlargement of a wireless communication tower that would continue to conform to maximum height requirements without increasing the overall tower height by more than 20 feet or 10% of its original height, whichever is greater.		◆	



SITUATION OR USE	REQUIRED REVIEW AND APPROVAL		
	PLANNING COMMISSION	ZONING PERMIT	EXEMPT
Expansion of a previously approved ground equipment enclosure to a total area greater than 2,500 square feet [ <b>also see Section 11.02C.3.d. below</b> ].	◆	◆	
Expansion of a previously approved ground equipment enclosure area to a total area less than or equal to 2,500 square feet.		◆	
Collocation of a new antenna on an existing tower that would continue to conform to maximum height requirements with an increase in the overall tower height by more than 20 feet or 10% of its original height, whichever is greater [ <b>also see Section 11.02C.3.d. below</b> ].	◆	◆	
Collocation of a new antenna on an existing tower that would continue to conform to maximum height requirements without increasing the overall tower height by more than 20 feet or 10% of its original height, whichever is greater.		◆	
Construction or expansion of ground equipment building(s) within an approved ground equipment enclosure.		◆	
Installation of new ground equipment within an approved ground equipment building or enclosure.		◆	
<b>SATELLITE DISH ANTENNAS</b>			
Installation of satellite dish antennas with a diameter of less than 1.5 meters.			◆
Installation of satellite dish antennas with a diameter 1.5 meters or larger.		◆	
<b>AMATEUR RADIO ANTENNAS</b>			
Installation of amateur radio transmission and reception antennas.		◆	
Installation of citizen band radio facilities, short wave facilities, amateur radio reception-only antennas and governmental facilities subject to federal or state laws or regulations that preempt municipal regulatory authority.			◆

SITUATION OR USE	REQUIRED REVIEW AND APPROVAL		
	PLANNING COMMISSION	ZONING PERMIT	EXEMPT
<b>OTHER PROJECTS</b>			
Installation of new antennas or similar transmission devices on light poles, on other public utility structures or within road rights-of-way.	◆	◆	
Repair, service or maintenance of an existing approved wireless communications facility, provided that all work is in compliance with approved plans, permits and applicable building, fire and electrical codes.			◆
Telecommunication facilities as defined by the METRO Act (P.A. 48 of 2002, as amended).			◆

1. **Exempt facilities.** Activities listed as exempt from review shall be permitted by-right, subject to the applicable standards of this Section.
2. **Facilities subject to zoning permit review.** Such facilities shall be subject to review and approval by the Zoning Administrator in accordance with the applicable standards of this Section and Section 1.08 (Zoning Permits).
3. **Facilities subject to Planning Commission review.** Such facilities shall be subject to a public hearing, and review and approval by the Planning Commission in accordance with the applicable standards of this Section, the review procedures specified in Section 11.01D (Review Procedure), and the following limitations:
  - a. **Limitation on review fees.** Per Section 3514 of the Michigan Zoning Enabling Act, fees required for a Special Use Permit application per Section 11.01C (Type of Review Required) shall not exceed the Township’s actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.
  - b. **14-day time limit to determine eligibility and completeness.** Per Section 3514 of the Michigan Zoning Enabling Act, the Clerk shall immediately transmit a copy of any application materials and plans filed in accordance with this Section for a Special Use Permit per Section 11.01C (Type of Review Required) to the Township Planner to determine if the application is administratively complete per Section 11.01B (Application).
    - (1) The Township Planner shall transmit a written response to the Clerk, Planning Commission Chair, and applicant within 14 business days stating either that the application is administratively complete or listing the specific information needed for a complete application.
    - (2) The application shall be deemed administratively complete if no written response is transmitted to the Clerk, Planning Commission Chair, and applicant within the 14 business day period.

- c. **90-day time limit on Planning Commission action.** For any Special Use Permit application not subject to the additional requirements of Section 11.01C.3.d. (Special Provisions for Review of Certain Alterations and Collocations) below, the Planning Commission shall complete its review and take final action per Section 11.01D (Review Procedure) within 90 calendar days after the date that the application is considered to be administratively complete. The application shall be deemed approved if the Commission takes no final action within this 90 calendar day period.
  
- d. **Special provisions for review of certain alterations and collocations.** Per Section 3514 of the Michigan Zoning Enabling Act, Township review of proposed alterations to existing wireless communication towers or ground equipment enclosures subject to Special Use Permit approval per Section 11.01C (Type of Review Required) and referencing this subsection shall be modified as follows:
  - (1) **60-day time limit on Planning Commission action.** The Planning Commission shall complete its review and take final action on the application per Section 11.01D (Review Procedure) within 60 calendar days after the date that the application is considered to be administratively complete. The application shall be deemed approved if the Planning Commission takes no final action within this time period.
  
  - (2) **Limitation on conditions of approval.** Planning Commission authority to impose conditions on any approval of an application subject to the additional requirements of this subsection shall be limited to conditions intended to verify compliance with the applicable requirements of this Ordinance; or ensure that the wireless communication facility meets the requirements of federal and state laws and other Township ordinances before the facility begins operation.

**D. Review Procedure.**

Construction, installation, replacement, co-location, alteration or enlargement of wireless communications facilities shall be reviewed in accordance with the following procedures:

- 1. **Procedure.** After a complete and accurate application has been received and review fees paid, wireless communications facilities subject to Planning Commission review shall be reviewed in accordance with the following procedure:
  - a. **Application submittal.** Application materials shall be submitted in accordance with the requirements of Section 11.01B (Application).
  
  - b. **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to appropriate Township officials and staff for review and comment. The Zoning Administrator may also submit the plans to applicable outside agencies and designated Township consultants for review and comment.

- c. **Public hearing.** A public hearing shall be scheduled and held before the Planning Commission for all wireless communications facilities subject to Planning Commission review, in accordance with Section 12.03 (Public Hearing Procedures).
  - d. **Planning Commission action.** Subsequent to the hearing, the Planning Commission shall review the proposed wireless communications facility, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments.
    - (1) The Planning Commission shall address whether the facility is in compliance with the requirements of this Section and Ordinance.
    - (2) The Planning Commission shall address whether the facility satisfies the criteria for approval listed in Section 11.01I (Criteria for Approval).
    - (3) The Planning Commission shall then consider its findings, shall take action to approve, approve with conditions or deny the wireless communications facility, and shall set forth the reasons for their action.
2. **Effect of action.** Approval of the wireless communications facility by the Planning Commission shall allow the Zoning Administrator to review and issue a permit for the work associated with the application. No work may take place on the site except in accordance with an approved permit and the design and plans approved by the Planning Commission. If the Planning Commission denies the wireless communications facility, the applicant may submit a new wireless communications facility application that addresses any deficiencies in the denied application materials, facility design or location.
3. **Expiration of approval.** Approval of a wireless communications facility shall expire 365 days after the date of approval, unless a permit has been issued or construction has commenced. Upon written request received by the Township prior to the expiration date, the Planning Commission may grant an extension of up to 180 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved wireless communications facility plans remains in conformance with the purpose and provisions of this Article.

**E. General Requirements.**

The following regulations shall apply to all wireless communications facilities:

- 1. **Federal, state and local standards.** Wireless communication facilities shall meet or exceed current standards of the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Michigan Aeronautics Commission and any other agency of the state or federal government with regulatory authority, and shall further comply with applicable building, electrical and fire codes.
- 2. **Public safety.** Wireless communication facilities shall comply with applicable federal and state standards relative to radio frequency emissions, and shall be

designed, constructed, operated and maintained in a structurally sound condition, using the best available technology to minimize any threat to public safety.

3. **Access.** Unobstructed permanent access to the facility shall be provided for operation, maintenance, repair and inspection purposes. Access may be provided by an easement.
4. **Lighting.** Wireless communications facilities shall not be illuminated, unless required by the FAA or Michigan Aeronautics Commission. Any required lighting shall be the minimum necessary for the purpose, and shall be shielded from ground level visibility to the maximum extent feasible. Fixtures with red or other highly saturated color filters or light sources shall be utilized to minimize off-site glare.
5. **Colors.** Towers, and antennas located on towers, shall be painted white. Antennas on buildings shall be painted to match or blend in with the building façade. The Planning Commission may modify this requirement upon finding that other colors or treatments would be more appropriate for the location.

**F. Standards for Wireless Communications Towers.**

The following shall apply to all wireless communications towers, in addition to the provisions of Section 11.01E (General Requirements):

1. **Location.** Wireless communications towers shall be limited to lots in the A-1 (Agriculture-Conservation) and PSP (Public/Semi-Public Services) Districts that have sufficient lot area to accommodate the minimum setback requirements of this Section.
2. **Height.** Except the PSP (Public/Semi-Public Services) District, towers shall not exceed 200 feet in height as measured from certified grade to the highest point of the tower, including antennae attached to the tower. The Planning Commission may approve a tower in the PSP District exceeding 200 feet in height upon determination that all of the following conditions have been met:
  - a. The tower will be located on land owned by Billings Township and subject to the authority of the Billings Township Board of Trustees.
  - b. The Township Board has reviewed the tower proposal, and has authorized the applicant to seek approval per the requirements of this Ordinance.
  - c. The tower meets all other requirements of this Section and Ordinance without need for variance approval from the Zoning Board of Appeals.
  - d. The applicant has demonstrated that additional tower height will result in:
    - (1) Improved access to wireless services for Township residents, beyond what could be achieved by a shorter tower; and
    - (2) Expanded opportunities for co-location of additional antennae beyond the capacity of a shorter tower, which may lessen the number of future towers needed to serve Township residents.

3. **Setbacks.** Towers shall be set back from the boundaries of adjacent lots, districts and uses as follows:
  - a. **From lot boundaries.** A minimum distance equal to one hundred percent (100%) of the height of the tower. Anchoring cables, equipment enclosures and accessory structures shall satisfy minimum zoning district setback requirements, with a minimum required setback of 50 feet.
  - b. **From adjacent districts and uses.** A minimum of 200 feet from the boundary of a residential zoning district or lot occupied by a residential use.
  - c. **Between towers.** New wireless communication towers shall be set back a minimum of one (1) mile from all existing towers. The Planning Commission may approve a lesser separation distance upon determining that the tower location is necessary to satisfy reasonable operating requirements.
4. **Ground equipment enclosure.** All wireless communications towers, accessory structures and equipment enclosures shall be completely enclosed by an eight (8) foot high fence with a lockable gate to prevent unauthorized access. Screening shall be provided on all sides of the ground equipment enclosure in accordance with Section 8.04 (Methods of Screening).
5. **Co-location.** Wireless communications facilities shall be designed, constructed and maintained to accommodate co-location of multiple antennae on a single tower.
6. **Tower address.** Each wireless communications tower shall be designated with a specific and unique mailing address.

**G. Standards for Antennae Located on Structures.**

The following shall apply to antennae located on principal or accessory structures, in addition to the provisions of Section 11.01E (General Requirements):

1. Antennae located on principal or accessory structures shall be limited to structures in the A-1 (Agriculture-Conservation), PSP (Public/Semi-Public Services), and IND (Industrial) Districts, where the structure has a minimum height of 50 feet.
2. The antenna and support structure shall be permanently secured to the structure, and shall not exceed the structure height by more than 10 feet.

**H. Standards for Amateur Radio Antennae:**

The following shall apply to all amateur radio antennae, in addition to the provisions of Section 11.01E (General Requirements).

1. Amateur radio antennae shall be limited to lots in any zoning district that have sufficient lot area to accommodate the minimum setback requirements of this Section.

2. A maximum of one (1) such antenna shall be permitted per zoning lot, with a maximum height of 60 feet and a minimum setback from all lot boundaries equal to one hundred percent (100%) of its height.
3. Such antennae shall be accessory to a principal building on the same lot, and shall be located in the rear yard area.

**I. Criteria for Approval.**

Construction, installation, replacement, co-location, alteration or enlargement of wireless communication facilities shall only be approved upon determination that all of the following conditions have been satisfied:

1. **Operating requirements.** The applicant shall demonstrate that operating requirements necessitate locating within the Township and the general area, and shall provide evidence that existing towers, structures or alternative technologies cannot accommodate these requirements.
2. **Engineering requirements.** The applicant shall demonstrate that existing towers or structures are not of sufficient height or structural strength to meet engineering requirements, or are not located in a geographic area that meets these requirements.
3. **Impact on adjacent uses.** Nearby residential districts and uses, community facilities, historic sites and landmarks, natural beauty areas, and road rights-of-way will not be adversely impacted by the location of the wireless communications facility.
4. **Site characteristics.** Topography, vegetation, surrounding land uses, zoning, adjacent existing structures, and other inherent site characteristics are compatible with the installation of wireless communications facilities.
5. **Site design.** The design, lighting, color, construction materials, landscaping, fencing, screening, and other design elements are in compliance with applicable provisions of this Section and Ordinance.

**J. Existing Towers and Antennae.**

Wireless communications facilities for which building permits have been issued prior to the effective date of this Ordinance shall be allowed to continue, provided that such facilities are maintained in accordance with Section 11.01E (General Requirements) and all approved plans, permits, and conditions of approval.

**K. Rescinding Approval of Wireless Communications Facilities.**

Failure of the owner, operator or leaseholder of an approved wireless communications facility to renew or replace any required bonds or insurance certificates, provide information to the Township about the facility as required by this Section or maintain and operate the facility in compliance with the provisions of this Section shall be grounds for the Township to rescind any previous approval to construct or operate the facility. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 12.03 (Public Hearing Procedures), at which time the operator of the use or owner of an interest in the

wireless communications facility for which approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.

2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescinding of approval shall be made and written notification provided to said owner, operator or designated agent.

**L. Removal of Wireless Communications Facilities.**

Wireless communications facilities for which approval has been rescinded, or that have ceased operation for more than 365 contiguous days, shall be removed by the owner or operator within 90 days of receipt of notice from the Township requesting such removal. Failure by the owner to remove such facilities upon request shall be grounds for the Township to seek court approval for such removal at the expense of the facility owner or operator.

**M. METRO Act Telecommunication Facilities.**

Nothing in this Ordinance shall be construed in such a manner to conflict with the regulatory process established for telecommunication facilities as defined and regulated by the METRO Act (P.A. 48 of 2002, as amended).

**Section 11.02 Wind Turbines.**

Wind turbine facilities shall be subject to the following design standards and review requirements:

**A. Development Review.**

Applications for approval of wind turbine facilities under this Section shall be subject to site plan review and approval in accordance with Section 12.01 (Site Plan Review).

**B. Public Hearing.**

A public hearing shall be required for all applications for approval of wind turbine facilities. The public hearing shall be scheduled and held before the Planning Commission, in accordance with Section 12.03 (Public Hearing Procedures).

**C. Required Information.**

Applications for approval of a wind turbine facility under this Section shall be filed with the Zoning Administrator. Incomplete or inaccurate applications shall not be accepted for review, and shall be returned to the applicant. At a minimum, such applications shall include the following:

1. **Fees.** Appropriate fees, as set by the Township Board, for review of the proposed wind turbine facility.
2. **Site plan.** All information required for site plan approval in conformance with Section 12.01 (Site Plan Review) of this Ordinance, as applicable, and any additional information requested by the Zoning Administrator or Planning Commission to show compliance with the standards of this Section.



3. **Site criteria.** The developer shall provide documentation regarding prevailing wind speed, direction and steadiness of flow, proximity to transmission grid, and availability of resources to transmit excess power into the grid.
4. **Permission to locate.** The applicant shall submit copies of a signed lease or other proof, satisfactory to the Township Attorney, of permission to locate a wind turbine facility on the site.
5. **Engineering certification.** Stress sheets and calculations by a professional engineer licensed by the State of Michigan showing that the wind turbine facilities are designed in accordance with applicable dead load and wind pressure standards shall be provided.
6. **Maintenance agreement.** The applicant shall submit a plan for the long-term maintenance of the facility, which identifies who will be responsible for maintenance of the facility, and includes a method of notifying the Township if maintenance responsibilities change.
7. **Security plan.** Detailed descriptions and illustrations shall be provided of measures to prevent unauthorized access to the facility.
8. **Setbacks and "fall zone" information.** Setbacks from all property lines and road rights-of-way, and the area of the anticipated debris "fall zone" from a catastrophic failure shall be shown on the site plan.
9. **Fire control plan.** Details of proposed fire suppression facilities, and documentation regarding potential impacts on public services, including any specialized fire department equipment that may be needed to support the proposed project.
10. **Impact assessment.** The developer shall provide the Township with an impact assessment for the proposed wind turbine facility that addresses the following issues and identifies proposed mitigation measures, if any:
  - a. Impacts upon migratory birds, and local bird populations, and any proposed mitigation measures designed to limit avian collisions.
  - b. Impacts upon aircraft operations, radar systems, and nearby airport functions.
  - c. Impacts upon wireless communication equipment, transmission, and reception; and commercial television and radio reception.
  - d. Cost of public services (police, fire, water, sewer, etc.) from the proposed wind turbine construction and operation.
  - e. Impacts from electromagnetic radiation generated by turbine operation, including any proposed mitigation measures.
  - f. Detailed simulations of the visual impacts from the north, south, east and west shall be provided, along with details of proposed wind turbine facility and site security lighting, if any.

- g. Anticipated noise levels within the building, at the property line, and at set intervals up to 1,000 feet away shall be provided by the developer, along with the following:
  - (1) Descriptions of the anticipated character of the noise (i.e. "constant low-pitched hum", "intermittent high-pitched whine", etc.), and details of any proposed noise mitigation measures.
  - (2) Documentation of anticipated vibration from turbine operation within the building and at the property line, and details of any proposed vibration dampening measures.
11. **Insurance certificate.** The applicant shall submit a valid certificate of insurance, to be renewed annually, listing the Billings Township as the certificate holder and naming the Billings Township, its past, present and future elected officials, representatives, employees, boards, commissions and agents as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail thirty days written notice to the Township as certificate holder. The Township may require the applicant to supply a \$1,000.00 cash bond to the Township, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.
12. **Removal agreement.** The applicant shall submit a signed removal agreement and a security bond or letter of credit, satisfactory to the Township Attorney, for the removal of the wind turbine facility. The applicant shall demonstrate that adequate funds will be available to the Township for the removal of the wind turbine facility, restoration of the site and associated administrative costs incurred by the Township in the event that the applicant, property owner or their successors fail to remove the wind turbine facility in a timely manner as required by this Section.
13. **Tax-related information.** The applicant shall supply to the Township Assessor all tax-related information for the wind turbine facility as requested for appraisal purposes. Upon receipt of requested information, the Assessor shall provide notice to the Zoning Administrator that this condition has been satisfied.

**D. Development Standards.**

The following regulations shall apply to all wind turbine facilities:

1. **Federal, state and local standards.** Wind turbine facilities shall meet or exceed current standards of the Federal Aviation Administration (FAA), Michigan Aeronautics Commission, and any other county, state or federal agency with jurisdiction, and shall further comply with applicable State Construction Code, electrical code, and fire code requirements.
2. **Public safety.** Wind turbine facilities shall comply with applicable federal and state standards relative to electromagnetic emissions, and shall be designed, constructed, operated and maintained in a structurally sound condition, using the best available technology to minimize any threat to public safety.

3. **Access.** Unobstructed permanent access to the wind turbine facilities shall be provided for operation, maintenance, repair, and inspection purposes. Access may be provided by an easement.
4. **Lighting.** Wireless communications facilities shall not be illuminated, unless required by the FAA or Michigan Aeronautics Commission.
5. **Location.** Wind turbine facilities shall be limited to lots in the A-1 (Agriculture-Conservation) District that have sufficient lot area to accommodate the minimum setback requirements of this Section.
6. **Height.** The height of proposed wind turbine facilities shall not adversely impact the public health, safety or welfare, as determined by the Planning Commission.
7. **Setbacks.** Wind turbine facilities shall be set back a minimum of 500 feet from all lot boundaries and road rights-of-way, and a minimum of 1,000 feet from the boundary of a residential zoning district or lot occupied by a residential use.
8. **Separation between facilities.** New wind turbine facilities shall be set back a minimum of one (1) mile from any existing wind turbine facility. The Planning Commission may approve a lesser separation distance upon determining that the proposed location will not adversely impact surrounding uses or the public health, safety or welfare.

**E. Removal of Wind Turbine Facilities.**

Wind turbine facilities for which approval has been rescinded or that have ceased operation for more than 365 contiguous days shall be removed by the owner or operator within 90 days of receipt of notice from the Township requesting such removal. Failure by the owner to remove such facilities upon request shall be grounds for the Township to seek court approval for such removal at the expense of the facility owner or operator.

**Section 11.03 Private Roads.**

New private roads, extensions of an existing road as a private road, and other private road improvements shall be subject to the following design standards and review procedures:

**A. Scope.**

Prior to the creation of new lots or any increase in the number of lots to be served for ingress and egress purposes by an existing private road lawfully established prior to the effective date of this Ordinance, the private road shall conform to the requirements of this Section. This Section shall also apply to all new private roads and any extension of an existing road as a private road.

**B. Development Review.**

Private road review and approval shall take place concurrently with review of any associated development plan, as follows:

1. **Plat or condominium review.** A private road subject to this Section may be reviewed as part of review and approval of a subdivision plat under the provisions of the Land Division Act (P.A. 288 of 1967, as amended), or a

condominium development under Article 13 (Condominium Regulations) and the Condominium Act (P.A. 59 of 1978, as amended).

2. **Site plan review.** Where a private road is proposed to serve lots created by metes and bounds lot splits permitted by the Land Division Act (P.A. 288 of 1967, as amended), or is otherwise required to be improved to conform to the requirements of this Section, the private road shall be subject to site plan review and approval in accordance with Section 12.01 (Site Plan Review).

**C. Public Hearing.**

A public hearing shall be required for all private road applications. The public hearing shall be scheduled and held before the Planning Commission, in accordance with Section 12.03 (Public Hearing Procedures).

**D. Required Information.**

Applications for approval of a private road under this Section shall be filed with the Zoning Administrator. Incomplete or inaccurate applications shall not be accepted for review, and shall be returned to the applicant. At a minimum, such applications shall include the following:

1. **Fees.** Appropriate fees, as set by the Township Board, for review of the proposed development plans.
2. **Development plan.** The development plan shall include all of the following:
  - a. All information required for:
    - (1) Subdivision plat approval in conformance with the Land Division Act (P.A. 288 of 1967, as amended);
    - (2) Condominium subdivision plan approval in conformance with Article 19 (Condominium Regulations) and the Condominium Act (P.A. 59 of 1978, as amended); or
    - (3) Site plan approval in conformance with Section 12.01 (Site Plan Review) of this Ordinance, as applicable.
  - b. A survey of the development site, showing lot lines, zoning districts, topography at two (2) foot contour intervals, water courses, drainage patterns, existing and proposed roads and road rights-of-way, easements, regulated wetlands, floodplains, woodlands, and any additional features uniquely affecting the site. For alterations or extensions of existing private roads, an existing conditions survey shall also be provided showing:
    - (1) The location, extent, and dimensions of the existing road right-of-way, driving surface, drainage improvements, and utilities;
    - (2) All existing lot boundaries, easements, private driveways, and structures within 100 feet of the road right-of-way; and
    - (3) A cross-section detail of the existing road.

- c. Documentation of compliance with the private road development standards of this Ordinance, and the applicable standards of the Gladwin County Road Commission, including cross-sections of the road right-of-way showing the scope and details of the proposed road improvements or alterations.
- d. Documentation from the Central Michigan District Health Department, Michigan Department of Environmental Quality (MDEQ) or other agency with jurisdiction that each of the lots and dwellings can be adequately served by private well, septic or wastewater treatment systems; or documentation that the proposed dwellings will be served by planned public water or sanitary sewer services.
- e. Any additional information requested by the Zoning Administrator or Planning Commission.

**E. Minimum Design Standards.**

Private roads in the Township shall conform to the following minimum design standards:

- 1. **Right-of-way.** New private roads and extensions of existing roads as a private road shall be located within a dedicated road right-of-way with a minimum width of 66 feet or the applicable Gladwin County Road Commission standard, whichever is greater. Where additional lots of record are created on land abutting an existing private road with a right-of-way of less than 66 feet, no additional right-of-way dedication shall be required.
- 2. **Road design and surfacing.** At a minimum, any new private road or extension of an existing, unpaved road as a private road shall meet or exceed the Gladwin County Road Commission road and drainage design specifications for an aggregate base course public road, subject to the following:
  - a. Such roads shall have an improved driving surface area at least 20 feet in width on a minimum 32 foot wide base.
  - b. Any private road extension of an existing public or private road paved with concrete, bituminous asphalt or similar hard surfacing shall meet or exceed the Gladwin County Road Commission road and drainage design specifications for plat development, and public road construction and paving.
  - c. Where the road right-of-way or easement of an existing private road lawfully established prior to the effective date of this Ordinance is less than 66 feet, minimum required driving surface, base course, and drainage improvements shall be proportional to the available width and otherwise consistent with the Gladwin County Road Commission specifications.
  - d. A cul-de-sac meeting minimum Gladwin Country Road Commission radius and design standards shall be required at the end of any dead-end private road.

3. **Signage.** Private road name assignment and installation of road signs shall be in accordance with the standards and approval of the Gladwin County Road Commission.

**F. Maintenance Agreement.**

For any new private road subject to the requirements of this Section, or the new extension portion of an existing road, there shall be a recorded private maintenance agreement or restrictive covenant agreement that runs with the land and ensures that the road will be regularly maintained in accordance with the requirements of this Section, applicable Gladwin County Road Commission specifications, and any conditions of Township private road approval.

1. All owners of land abutting the new private road subject to the requirements of this Section, or the new extension portion of an existing road, shall be signatory parties to the agreement, which shall be a continuing obligation on the land and any future landowners.
2. At a minimum, the agreement shall specify who will be responsible for road maintenance and improvements, reference the applicable standards, approved plans, and any conditions of private road approval, and describe how the funds for such work will be collected and administered.
3. All owners of land abutting the new private road subject to the requirements of this Section, or the new extension portion of an existing road, shall agree to indemnify and hold harmless the Township and its representatives from any and all claims for personal injury and property damage arising out of the use of the private road.
4. A disclosure statement shall be placed in the maintenance agreement informing the purchaser that the road abutting or servicing the parcel is private and is not required to be maintained by any government agency.
5. Copies of the recorded document shall be submitted to the Township Clerk and Zoning Administrator within 30 calendar days of approval of any new or altered private road in accordance with this Section, along with proof of recording from the county Register of Deeds Office.

**G. Special Assessment District.**

The owner(s) of land to be served by any new private road subject to the requirements of this Section, or the new extension portion of an existing road, shall be required to file petition(s) verified both as to signature and ownership, with the Township Clerk to request establishment by the Township Board of a special assessment district for maintenance of the private road in accordance with applicable state statutes.

Owners of land served by existing private roads are encouraged to petition the Township Board to establish a special assessment district for maintenance of the private road. Not less than 51% of the record owners of land within the proposed special assessment district must have signed such petitions.

## Section 11.04 Temporary Living Quarters.

The temporary placement and occupancy of manufactured homes, recreational vehicles (RV), and other temporary buildings as temporary living quarters shall be subject to the following:

### A. RV Parking, Storage, and Use in the A-1 District.

Recreational vehicles may be parked, stored, or occupied as temporary living quarters on any lot in the A-1 (Agriculture-Conservation) District, subject to the following:

1. The location of the recreational vehicle(s) and all associated equipment and appurtenances shall comply with the minimum setback requirements in the zoning district, as specified in Article 4 (Dimensional Standards).
2. Storage shall be limited to recreational vehicles and all associated equipment owned by the owner of the parcel. Storage of recreational vehicles for remuneration outside of an approved outside storage area for such vehicles shall be prohibited. Any recreational vehicle may be stored within the confines of a completely enclosed accessory structure.
3. Temporary occupancy or camping on a lot using a recreational vehicle shall be limited to vehicles and equipment owned by the owner of the parcel and the owner's guests.
4. All waste storage tanks (gray water and black water) shall be emptied at an approved recreational vehicle dump station. A receipt for dumping must be received and maintained in the vehicle. On-site disposal shall be prohibited.
5. All recreational vehicles, tents and similar camping gear and equipment shall be removed from the lot or stored within a completely enclosed accessory structure when not in use.

### B. RV Parking, Occupancy, or Camping on a Vacant Lot in a Residential District.

Storage of a recreational vehicle on a vacant lot shall be prohibited. Parking or occupancy of any recreational vehicle as temporary living quarters or any camping on a vacant lot in the R-1 (Single Family Residential) District or MHP (Manufactured Housing Park) District shall be subject to the following requirements:

1. **72-hour activities.** Parking or occupancy of up to four (4) recreational vehicles or any camping on a vacant lot not exceeding a maximum of 72 hours per calendar year shall be allowed without zoning permit approval, provided such activities conform to the requirements of this Section.
2. **Seasonal activities.** "Seasonal activities" shall be defined as parking or occupancy of any recreational vehicle(s) or camping on a vacant lot for more than 72 hours per calendar year during the period from April fifteenth (4/15) through December thirty-first (12/31) of each calendar year, or through the end of deer season as established by the Michigan Department of Natural Resources (MDNR) if earlier. Such seasonal activities shall be permitted subject to the requirements of this Section and the following:
  - a. Approval of a zoning permit shall be required for each recreational vehicle, obtained by signature of the landowner in accordance with

Section 1.08 (Zoning Permit). The permit shall be valid from the date issued until the end of the seasonal activities period as defined in this Section.

- b. A separate zoning permit shall be required for each recreational vehicle parked or occupied on a vacant lot for more than 72 hours per calendar year.
  - c. The recreational vehicle(s) and all associated equipment and appurtenances shall not be left unattended for a period exceeding 21 calendar days.
3. **Off-season activities.** "Off-season activities" shall be defined as parking or occupancy of any recreational vehicle(s) or camping on a vacant lot for more than 72 hours per calendar year during the period from January first (1/1) through April fourteenth (4/14) of each calendar year, or from the end of deer season as established by the MDNR if earlier. Such off-season activities shall be permitted subject to the requirements of this Section and the following:
- a. Approval of a zoning permit in accordance with Section 1.08 (Zoning Permit). Each zoning permit shall be valid for a period of 14 calendar days.
  - b. A separate permit shall be required for each recreational vehicle parked or occupied on a vacant lot for more than 72 hours per calendar year.
  - c. The Zoning Administrator shall not issue a zoning permit for off-season activities unless the recreational vehicle has first been brought to the Township Hall to show that it is licensed, registered, and legally operable on the highways of the State of Michigan.
  - d. No new zoning permit shall be issued until 14 calendar days have elapsed since the end of the previous off-season zoning permit approval period.
  - e. The recreational vehicle(s) and all associated equipment and appurtenances shall not be left unattended for a period exceeding 24 hours.
4. **General requirements.** The following requirements shall apply to any parking or occupancy of any recreational vehicle or any camping on a vacant lot:
- a. **Maximum number of units per lot.** A maximum of four (4) recreational vehicles shall be permitted at one time on a single vacant zoning lot in the R-1 (Single-Family Residential) District, except as follows:
    - (1) Zoning permits for more than four (4) recreational vehicles on a single zoning lot shall be limited to a maximum of five (5) consecutive days and 15 total days per calendar year.
    - (2) The applicant shall provide copies of any required permits or approvals from outside agencies with jurisdiction, prior to issuance of the zoning permit.



- b. **Setbacks required.** The location of the recreational vehicle(s) and all associated equipment and appurtenances shall comply with the minimum setback requirements in the zoning district, as specified in Article 4 (Dimensional Standards). A minimum separation distance of twelve (12) feet shall be maintained at all times between recreational vehicles on the same zoning lot, and between any recreational vehicle(s) and a permanent structure on the lot or an abutting property.
  
- c. **Removed or stored when not in use.** All recreational vehicles, tents and similar camping gear and equipment shall be removed from the lot or stored within a completely enclosed accessory structure when not in use. The following structures and appurtenances shall be permitted to be maintained on a vacant lot when not in use under this Section:
  - (1) One (1) accessory structure for storage;
  - (2) One (1) deck or patio no higher than eight (8) inches, without a railing;
  - (3) One (1) picnic table or equivalent;
  - (4) One (1) dock or boat hoist;
  - (5) Two (2) boats and/or boat trailers;
  - (6) Two (2) utility trailers; and
  - (7) Any electrical pole, pump house, sewer drop, wireless antennae or similar utility equipment.
  
- d. **Waste disposal.** All waste storage tanks (gray water and black water) shall be emptied at an approved recreational vehicle dump station. A receipt for dumping must be received and maintained in the vehicle.
  - (1) On-site disposal shall be prohibited, except where the property owner has provided to the Township documentation of approval from the Central Michigan District Health Department and other agencies with jurisdiction for a temporary connection to an approved on-site sanitary facility.
  - (2) Temporary use of outside toilets ("porta-johns") accessory to activities permitted under this Section shall conform to the requirements of Section 6.207 (Outhouses, Privies, and Outside Toilets).
  
- e. **Licensed and operable.** Recreational vehicles shall be legally operable on the highways of the State of Michigan, and shall have a current and valid registration and license plate as required by the Michigan Vehicle Code.
  
- f. **Permitted vehicle types.** Recreational vehicles occupied as temporary living quarters under this Section shall be limited to motor homes, pick-up

campers attached to the pick-up truck, folding tent trailers, and travel trailers.

- g. **Inspections.** The Township may perform periodic inspections to verify compliance with this Section. Where a zoning permit is required by this Section, a copy of the approved permit shall be kept in the vehicle.
- h. **Violations.** If a recreational vehicle or associated equipment and appurtenances are maintained on a vacant lot in violation of this Section, no new zoning permit shall be issued until the vehicle and associated equipment and appurtenances have been removed from the lot or stored within a completely enclosed accessory structure for at least 21 calendar days.

**C. RV Parking, Storage, and Use Accessory to a Dwelling in a Residential District.**

Parking, storage, or occupancy of any recreational vehicle as temporary living quarters or any camping on a lot accessory to a permanent dwelling in any R-1 (Single Family Residential) District shall be subject to the following requirements:

- 1. The location of the recreational vehicle(s) and all associated equipment and appurtenances shall comply with the minimum setback and building separation requirements in the zoning district, as specified in Article 4 (Dimensional Standards).
  - a. Where more than two (2) recreational vehicles are parked or stored outside on a lot for more than 72 hours per calendar year, such vehicles shall be subject to the maximum lot coverage requirements for structures in the zoning district, as specified in Article 4 (Dimensional Standards).
  - b. Any recreational vehicle may be stored within the confines of a completely enclosed accessory structure.
- 2. Such parking, storage, or occupancy shall be limited to recreational vehicles owned by the owner of the parcel or the owner's guests.
  - a. Parking or storage of other recreational vehicles shall be prohibited.
  - b. For waterfront lots, parking or storage of such vehicles shall be permitted on the waterfront lot or any accessory backlot area located across a road right-of-way and owned by the owner of the waterfront lot. Occupancy as temporary living quarters shall only be permitted if the vehicle is located on the same lot as the permanent dwelling.
- 3. All waste storage tanks (gray water and black water) shall be emptied at an approved recreational vehicle dump station. A receipt for dumping must be received and maintained in the vehicle. On-site disposal shall be prohibited.
- 4. Recreational vehicles shall be legally operable on the highways of the State of Michigan, and shall have a current and valid registration and license plate as required by the Michigan Vehicle Code.

**D. Temporary Living Quarters During Construction of a Permanent Dwelling.**

This Section establishes regulations which are intended to permit the temporary placement and occupancy of structures in all zoning districts when located on the same lot on which a lot owner's permanent dwelling is being constructed, or repaired following an event that temporarily renders the dwelling unfit for occupancy. Structures may be placed and occupied as temporary living quarters, subject to the following:

1. No structure shall be placed or occupied under the provisions of this section unless authorized by the Zoning Administrator by the issuance of a zoning permit.
2. Zoning permits as required by this Section shall not be issued until the applicant has provided proof of approval of all necessary permits from Gladwin County and the Central Michigan District Health Department for construction of the permanent dwelling or repair or reconstruction of an existing dwelling.
3. Zoning permits issued under this Section shall be valid for a period of 180 calendar days from the date of issue by the Zoning Administrator. Upon written request received prior to the expiration date, the Zoning Administrator may authorize one (1) extension of zoning permit approval for up to an additional 180 calendar days, provided that substantial progress has been made on the permanent dwelling.

**E. Temporary Living Quarters in the Commercial Districts.**

Parking or occupancy of one (1) recreational vehicle as temporary living quarters on a lot in the C-1 (Local Commercial) or C-2 (Highway Commercial) District shall be permitted, subject to the following:

1. Use of the recreational vehicle shall be for temporary security purposes only, with ownership associated with the landowner, business owner, or operator of a lawfully established temporary outdoor sales or display area on the lot. The vehicle shall not be left unoccupied for a period exceeding five (5) calendar days.
2. Approval of a zoning permit shall be required per Section 1.08 (Zoning Permit) for each recreational vehicle parked or occupied on the lot for more than 72 hours per calendar year. The permit shall be valid from the date issued through the end of the calendar year. No permits shall be issued for the period from January first (1/1) through April fourteenth (4/14) of each calendar year.
3. The location of the recreational vehicle shall comply with the minimum setback requirements in the zoning district, per Article 4 (Dimensional Standards).
  - a. All waste storage tanks (gray water and black water) shall be emptied at an approved recreational vehicle dump station. A receipt for dumping must be received and maintained in the vehicle.
  - b. On-site disposal shall be prohibited, except where the property owner has provided to the Township documentation of approval from the Central Michigan District Health Department and other agencies with jurisdiction for a temporary connection to an approved on-site sanitary facility.

4. Temporary use of outside toilets ("porta-johns") accessory to activities permitted under this Section shall conform to the requirements of Section 6.207 (Outhouses, Privies, and Outside Toilets).
5. The recreational vehicle shall be legally operable on the highways of the State of Michigan, and shall have a current and valid registration and license plate as required by the Michigan Vehicle Code.

**F. Temporary Living Quarters in the PSP District.**

Parking or occupancy of recreational vehicles as temporary living quarters on a lot in the PSP (Public/Semi-Public Services) District shall be permitted, subject to the following:

1. Such activities in the PSP District shall be limited to public land owned by the Township, and shall conform to Township ordinances and all requirements and conditions established for the site by Township Board resolution. Approval of a zoning permit shall not be required.
2. The location of all recreational vehicles shall comply with the minimum setback requirements in the zoning district, per Article 4 (Dimensional Standards).

**Section 11.05 Riparian Lot Regulations.**

In any zoning district where a parcel of land is contiguous to a lake or pond (either natural or an impoundment), use of such parcel of land shall be subject to the following:

**A. Intent.**

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

**B. Regulations.**

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

1. The parcel of land contiguous to a lake or pond shall have at least 50 linear feet of water frontage and a lot area of at least 5,000 square feet per dwelling unit to which such privileges are extended or dedicated. Frontage shall be measured by a straight line that intersects each side lot line at the water's edge.

2. In no event shall water frontage of such parcel of land consist of a swamp, marsh, or bog as shown on the most recent U.S. Geological Survey Maps, or the Michigan Department of Natural Resources (M-DNR) MIRIS Map, or have otherwise been determined to be wetland by the M-DNR. Alterations to a swamp, marsh, or bog by the addition of earth or fill material or by the drainage of water for the purpose of increasing the water frontage required by this Section shall be prohibited.
3. Frontage on a man-made canal or channel shall not be used to satisfy the minimum water frontage per dwelling unit requirements of this Section. No canal or channel shall be excavated for the purpose of increasing the water frontage required by this Section.
4. The parcel of land contiguous to a lake or pond used to satisfy the minimum water frontage per dwelling unit requirements of this Section shall be set aside as common open space, and shall not be used as a residential lot for the purpose of constructing a dwelling or accessory structures, or for any COMMERCIAL USE.

## **ARTICLE 12**

### **PROCEDURES AND STANDARDS**

#### **Section 12.01 Site Plan Review.**

**A. Purpose.**

The purpose of this Article is to establish procedures and standards that provide a consistent method of review of site plans, and to ensure full compliance with the standards contained in this Ordinance and other applicable Codes and Ordinances. Flexible review standards have been established to ensure that the type of review and amount of required information is directly proportional to the project's scale and use intensity.

It is the further purpose of this Article to protect natural, cultural and civic resources, minimize adverse impacts on adjoining or nearby properties, encourage cooperation and consultation between the Township and the applicant, and facilitate development in accordance with the Township's Master Plan.

**B. Type of Review Required.**

A limited range of projects or uses, as listed in Section 12.01C (Projects Eligible for Minor Site Plan or Administrative Review), have been determined to be appropriate for a less intensive administrative site plan review. Uses as listed in Section 12.01D (Exempt Projects) shall be exempt from site plan review. For all other development projects and uses, submission and approval of a site plan shall be required in accordance with the provisions of this Article also see illustration).

**C. Projects Eligible for Minor Site Plan or Administrative Review.**

1. **Projects eligible for minor site plan review.** The following projects and uses shall be eligible for review and approval of a minor site plan by the Planning Commission prior to establishment, construction, expansion or structural alteration of any structure or use:
  - a. Farm-based tourism/entertainment activities.
  - b. Riding stables, commercial.
  - c. Accessory dwelling.
  - d. Adult foster care large group home.
  - e. Bed and breakfast inn.
  - f. Child day care home, group.
  - g. Home occupations not listed in Section 5.204 (Home Occupations).

- h. Outdoor sales or display areas.
- i. A change of use for an existing building, construction of an addition to an existing building, or expansion of an existing, conforming use, subject to the following:
  - (1) The proposed use will not require access changes, additional parking beyond that available on-site, or other substantial modifications to an existing building or site.
  - (2) No variances to the requirements of this Ordinance are required.
  - (3) The proposed addition or expansion would not increase the total square footage of the building or area occupied by the use by more than twenty percent (20%) or 1,000 square feet, whichever is less.
- j. Similar projects and uses, as accepted by the Zoning Administrator.

The Planning Commission shall have the authority to require submittal of a more detailed site plan for projects and uses otherwise eligible for minor site plan approval where, in its opinion, the complexity or size of the proposed project or use warrants a more intensive review and additional required information.

- 2. **Projects eligible for administrative review.** The following development projects, uses and other activities shall be eligible for administrative review and approval by the Zoning Administrator:
  - a. Minor changes during construction due to unanticipated site constraints or outside agency requirements, and minor landscaping changes or species substitutions, consistent with an approved site plan.
  - b. Minor building modifications that do not significantly alter the facade, height or floor area of the building.
  - c. Construction of accessory structures or fences, or installation of screening around a waste receptacle, mechanical unit or similar equipment.
  - d. Grading, filling or creation of ponds on a residential lot.
  - e. Changes to a site required by Gladwin County to address State Construction Code requirements.

**D. Exempt Projects.**

The following activities are exempt from site plan review because the activity is anticipated to have minimal impact on adjacent land uses; pre-emption of review authority by the State of Michigan; or compliance with applicable regulations of this Ordinance can be addressed through review of a zoning permit:

1. One (1) single-family dwelling and customary accessory structures on a single residential lot.
2. Family child day care homes, as licensed by the State of Michigan.
3. Establishment of a home occupation listed in Section 5.204 (Home Occupations) as a permitted accessory use.
4. Essential service, public utility or barrier-free access improvements.

**E. Site Plan Review Procedure.**

Site plans and minor site plans shall be reviewed in accordance with the following:

1. **Application.** The owner of an interest in land for which site plan approval is sought, or the owner's designated agent, shall submit a completed application form and sufficient copies of a site plan to the Township, along with appropriate review fees, as determined by Township Board. Any application or site plan that does not satisfy the information requirements of this Section shall be considered incomplete, and shall be returned to the applicant.
2. **Technical review.** Prior to Planning Commission consideration, copies of the site plan and application shall be distributed to the Township Fire Chief, Zoning Administrator, and other Township officials for review and comment. The Zoning Administrator may also submit the plans to applicable outside agencies and designated Township consultants for review and comment.
3. **Planning Commission consideration of the site plan.** The Planning Commission shall review the site plan, together with any reports and recommendations from Township officials, consultants, and other reviewing agencies, along with any public comments. The Planning Commission shall make a determination based on the requirements of this Ordinance and the standards of Section 12.01P (Standards for Site Plan Approval). The Planning Commission is authorized to table, approve, approve subject to conditions or deny the site plan as follows:
  - a. **Tabling.** Upon determination by the Planning Commission that a site plan is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.
  - b. **Denial.** Upon determination that a site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site plan shall be denied. If a site plan is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial. Failure of the applicant or agent to attend two (2) or more meetings shall be grounds for the Planning Commission to deny site plan approval.
  - c. **Approval.** Upon determination that a site plan is in compliance with the standards of this Ordinance, the site plan shall be approved.



- d. **Approval subject to conditions.** The Planning Commission may approve a site plan, subject to any conditions necessary to address necessary modifications; ensure that public services and facilities can accommodate the proposed use; protect significant site features; ensure compatibility with adjacent land uses; or otherwise meet the intent and purpose of this Ordinance. Such conditions may include the need to obtain variances, or approvals from other agencies.
4. **Recording of site plan action.** Planning Commission action on the site plan shall be recorded in the Planning Commission meeting minutes, stating the name and location of the project, the proposed use, the most recent plan revision date, the findings of fact and conclusions or grounds for the Planning Commission's action, and any conditions of approval. The Chair and Secretary shall mark and sign four (4) copies of the site plan "APPROVED" or "DENIED" as appropriate, with the date that action was taken and any conditions of approval. Copies of the approved site plan shall be distributed as follows:
    - a. One (1) copy shall be returned to the applicant;
    - b. One (1) copy shall be provided to the Zoning Administrator;
    - c. One (1) copy shall be provided to the Secretary of the Planning Commission to be placed in the permanent record of the Commission's proceedings; and
    - d. One (1) copy shall be provided to the Township Clerk.

**F. Outside Agency Permits or Approvals.**

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to the start of development or construction on the site.

**G. Construction Plans.**

Where detailed construction or engineering plans are required by the Township, Gladwin County or other agency with jurisdiction, the applicant shall submit a copy of such plans to the Zoning Administrator for review. The Zoning Administrator or designated Township consultants shall verify that the site design and improvements shown on the construction or engineering plans are consistent with the approved site plan, except for changes that do not materially alter the approved site design, or that address any conditions of site plan approval. Construction or engineering plans that are not consistent with the approved site plan shall be subject to review and approval by the Planning Commission as an amended site plan, prior to the start of development or construction on the site.

**H. Administrative Review.**

The following shall apply to all site plans eligible for administrative review:

1. **Application requirements and procedures.** The application requirements and procedures for administrative review shall be the same as for Planning Commission site plan review, as outlined in Section 12.01E (Site Plan Review

Procedure), except that the Zoning Administrator shall have the authority to approve, approve subject to conditions, or deny the site plan.

2. **Appeals to the Planning Commission.** The Zoning Administrator or the applicant shall have the option to request Planning Commission consideration of a site plan eligible for administrative review. All appeals of administrative review determinations shall be made to the Planning Commission. In such cases, the Planning Commission shall review the site plan in accordance with the procedures outlined in Section 12.01E (Site Plan Review Procedure).

#### **I. Approval of Phased Developments.**

The Planning Commission may grant approval for site plans with multiple phases, subject to the following:

1. The site design and layout for all phases and outlots be shown on the site plan to ensure proper development of the overall site.
2. Improvements associated with each phase shall be clearly identified on the site plan, along with a timetable for development. Development phases shall be designed so that each phase will function independently of any improvements planned for later phases.
3. Each future phase shall be subject to a separate site plan review by the Planning Commission, and shall be required to meet all applicable Ordinance standards effective at the time of such review.

#### **J. Site Plan Resubmission.**

A site plan that has been denied may be revised by the applicant to address the reasons for the denial and then resubmitted for further consideration. The resubmitted site plan shall be subject to the same requirements and review procedures as a new site plan submitted in accordance with this Article.

#### **K. Appeals of Site Plan Decisions.**

The Zoning Board of Appeals (ZBA) shall not have the authority to consider appeals of site plan determinations, except as follows:

1. **Appeals of Planning Commission actions.** Appeals of Planning Commission site plan review actions shall be subject to the review procedure and criteria for appeals of administrative actions, as specified in Section 17.05 (Administrative Appeals).
2. **Order of review.** Development projects that include a request for site plan and dimensional variance approval shall first be submitted to the Planning Commission for site plan review, prior to ZBA consideration of any dimensional variance requests. The Planning Commission may approve the site plan contingent upon variance approval, or may postpone action pending ZBA review.
3. **Appeals of Planning Commission actions.** If the Planning Commission approves a site plan contingent upon approval of variances from specific requirements of this Ordinance, ZBA consideration shall be limited to the specific

variances identified as conditions of site plan approval. If the ZBA denies the requested variances, then the site plan approval shall be null and void.

**L. Expiration of Site Plan Approval.**

Site plans shall expire 365 days after the date of approval, unless the construction plan for the project has been submitted to the Township for review. Upon written request received by the Township prior to the expiration date, the Planning Commission may grant one (1) extension of final approval for up to 180 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved site plan remains in conformance with all applicable provisions of this Ordinance.

**M. Rescinding Site Plan Approval.**

Site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, site plans, or conditions of site plan or special use approval. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 12.03 (Public Hearing Procedures), at which time the owner of an interest in land for which site plan approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner or designated agent.

**N. Revisions to Approved Site Plans**

Minor revisions to an approved site plan may be administratively reviewed by the Zoning Administrator, provided that such changes do not materially alter the approved site design, intensity of use or demand for public services. Revisions to an approved site plan that are not considered by the Zoning Administrator to be minor, shall be reviewed by the Planning Commission as an amended site plan.

**O. Required Information for Site Plans**

The following information shall be included with all site plan review applications, except where the Planning Commission determines that certain information is not necessary or applicable to the review:

<b>MINIMUM SITE PLAN INFORMATION REQUIREMENTS</b>	<b>SITE PLAN REVIEW</b>	<b>MINOR SITE PLAN REVIEW</b>	<b>ADMIN. REVIEW</b>
<b>SITE PLAN DESCRIPTIVE INFORMATION:</b>			
Name, address, telephone and facsimile numbers of the applicant (and property owner, if different from applicant) and firm or individual preparing the site plan., and the property location (address, lot number, tax identification number).	●	●	●
Existing and proposed use(s) of the property.	●	●	●
Existing zoning of the property and surrounding parcels (including across road rights-of-way).	●		
Legal description of the property, with the gross and net land area.	●	●	
<b>SITE PLAN DATA AND NOTES:</b>			
Site plans shall be drawn to an engineer’s scale appropriate for a sheet size of at least 24 by 36 inches. If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be provided.	●		
Minor site plan or plan for administrative review shall be drawn to scale for a sheet size between 8.5 by 11 inches (min.) and 24 by 36 inches (max.), and of such accuracy that the Planning Commission can readily interpret the plan.		●	
Location map with north-arrow.	●	●	
Size and dimensions of proposed structures, including gross and usable floor area, number of stories, and overall height.	●	●	●
Calculations for parking, residential density or other Ordinance requirements.	●	●	
<b>EXISTING CONDITIONS:</b>			
Location of soil types and existing drainage courses, floodplains, lakes, streams, drains, and wetlands, with surface drainage flow directions.	●		
Dimensions of property lines, showing the relationship of the site to abutting properties. If the site is part of a larger parcel, plans should indicate the boundaries of total land holding.	●	●	●
Existing site features, including significant natural and historical features, structures, driveways, fences, walls, signs, and other improvements; with notes regarding their preservation or alteration.	●	●	●
<b>SITE PLAN DETAILS:</b>			
Location, dimensions, setback distances, and use(s) of all proposed improvements.	●	●	●
Locations and descriptions of all existing and proposed easements and rights-of-way for utilities, access, and drainage.	●	●	●
Identification of areas involved in each separate phase, if applicable.	●		
An exterior lighting plan with all existing and proposed lighting locations, heights from grade, specifications, lamps types, and methods of shielding.	●	●	
Waste receptacle locations and methods of screening.	●	●	
Locations and methods of screening for any ground-mounted transformers or mechanical (HVAC) units.	●		
Outdoor sales, display or storage locations and method of screening, if applicable.	●	●	

MINIMUM SITE PLAN INFORMATION REQUIREMENTS	SITE PLAN REVIEW	MINOR SITE PLAN REVIEW	ADMIN. REVIEW
Locations, sizes, heights, types, and methods of illumination of all proposed signs.	●	●	
<b>BUILDING AND ARCHITECTURAL DETAILS:</b>			
Building façade elevations for any proposed principal building, drawn to an appropriate scale and indicating type and color of building materials.	●		
<b>ACCESS AND CIRCULATION:</b>			
Dimensions and centerlines of existing and proposed rights-of-way, names of abutting streets, and the dimensions and type of paving materials for all roads, parking lots, curbs, sidewalks, and other paved surfaces.	●		
Locations and dimensions of vehicle access points, and distances between adjacent or opposing driveways and street intersections.	●		
Parking space and maneuvering aisle dimensions, pavement markings, traffic control signage, designation of fire lanes, and location of loading areas.	●	●	
<b>LANDSCAPING AND SCREENING:</b>			
Landscape plan, including location, size, quantity and type of proposed shrubs, trees, ground cover (including grass) and other live plant materials, and the location, size and type of any existing plant materials that will be preserved.	●		
Planting list for proposed landscape materials, with quantities, sizes, and heights of proposed plant materials; botanical and common names; and methods of installation.	●	●	
Landscape maintenance plan, including notes regarding replacement of dead or diseased plant materials.	●		
Proposed fences, walls or other screening devices, including typical cross-section, materials and height above grade.	●	●	
<b>UTILITIES, DRAINAGE AND THE ENVIRONMENT:</b>			
Grading plan, with existing and proposed topography at a minimum of two-(2) foot contour levels, drainage patterns and a general description of grades within 100 feet of the site to indicate stormwater runoff.	●		
<b>ADDITIONAL REQUIRED INFORMATION:</b>			
Other information as requested by the Zoning Administrator or Planning Commission to verify that the site and use are in accordance with the purpose and intent of this Ordinance and the Township's Master Plan.	●	●	●

**P. Standards for Site Plan Approval.**

The following criteria shall be used as a basis upon which site plans will be reviewed and approved, approved with conditions, or denied:

1. **Adequacy of information.** The site plan includes all required information in a complete and understandable form, provides an accurate description of the proposed uses, and complies with all applicable Ordinance requirements.
2. **Site appearance and coordination.** The site is designed in a manner that promotes the normal and orderly development of surrounding lands, and all site design elements are harmoniously organized in relation to topography, adjacent facilities, traffic circulation, building orientation, and pedestrian access.
3. **Preservation of site features.** The site design conserves natural and historical site features, to the extent feasible. Such features may include historically significant buildings, archeological sites, wetlands, topography, tree-rows and hedgerows, wooded areas, and significant individual trees.
4. **Access and circulation.** Drives, streets, parking, site access and other vehicle-related elements are designed to minimize traffic conflicts on adjacent streets and promote safe and efficient traffic circulation within the site. In addition, adequate pedestrian access has been provided, which is in compliance with barrier-free access standards.
5. **Parking and loading.** Off-street parking lots and loading areas are arranged and located to accommodate the intensity of proposed uses, minimize conflicts with adjacent uses, and promote shared-use of common facilities where feasible.
6. **Landscaping and screening.** Landscaping and screening are provided in a manner that adequately buffers adjacent land uses and screens off-street parking, mechanical appurtenances, loading and unloading areas and storage areas from adjacent residential areas and public rights-of-way.
7. **Exterior lighting.** All exterior lighting fixtures are designed, arranged and shielded to minimize glare and light trespass, prevent night blindness and vision impairments, and maximize security.
8. **Impact upon public services.** The impact upon public services (including utilities, streets, police and fire protection, public schools and public sidewalks/pathways) will not exceed the existing or planned capacity of such services.
9. **Drainage and soil erosion.** Adjoining lakes, rivers, streams, lots, and road rights-of-way will not be adversely impacted by stormwater runoff and sedimentation.
10. **Emergency access and vulnerability to hazards.** All sites and buildings are designed to allow convenient and direct emergency access, and the level of vulnerability to injury or loss from incidents involving hazardous materials or processes will not exceed existing or planned emergency response capabilities.

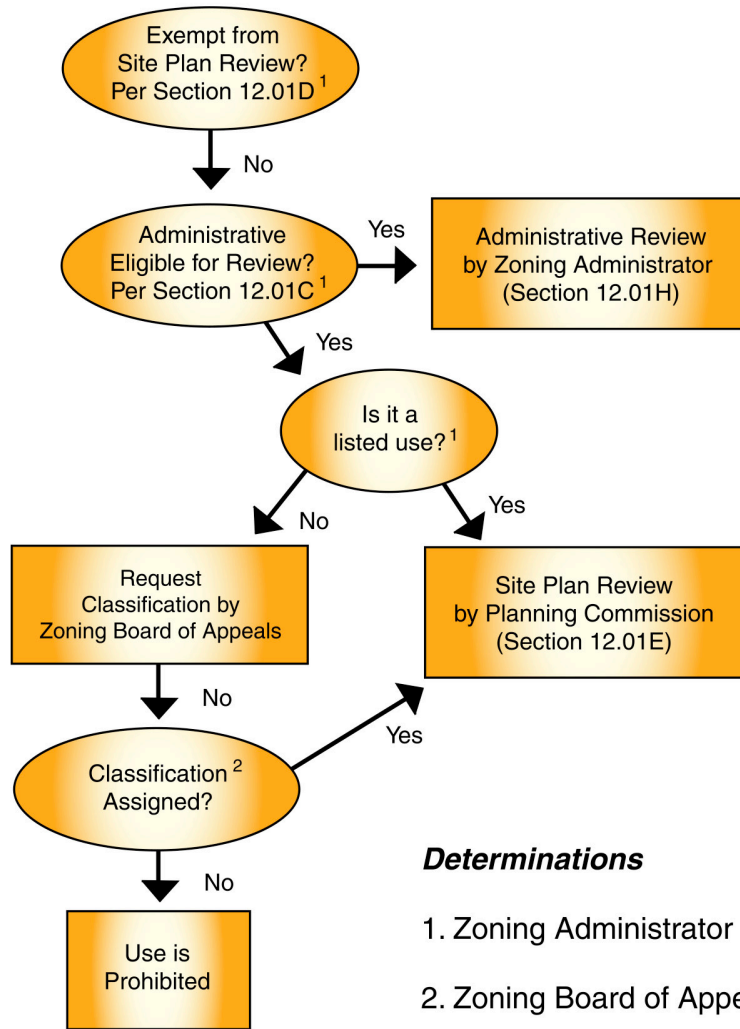
**Q. Compliance with an Approved Site Plan.**

It shall be the responsibility of the property owner, and the owner or operator of the use(s) for which site plan approval has been granted, to develop, improve and maintain the site, including the use, structures and all site elements in accordance with the approved site plan and all conditions of approval, until the property is razed, or a new site plan is approved. Failure to comply with the provisions of this Section shall be a violation of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

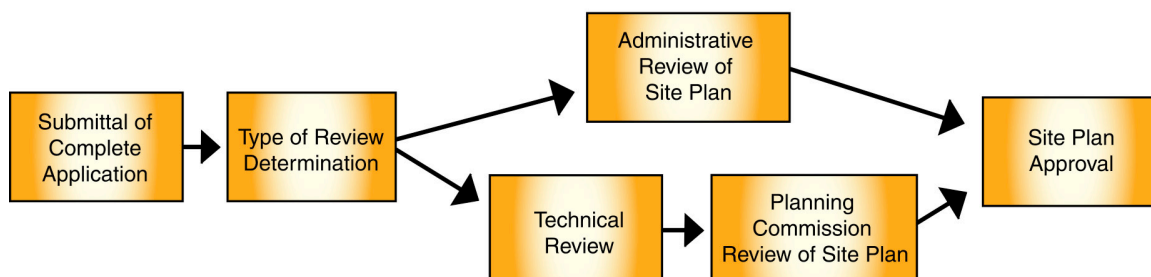
The Zoning Administrator shall make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall be considered a violation of this Ordinance, and shall constitute grounds for the Planning Commission to rescind site plan approval.

# ILLUSTRATIONS

## Type of Site Plan Review Required



## Site Plan Review Process







## Section 12.02 Special Uses.

### A. Purpose.

Special uses include those uses that serve an area, interest or purpose that extends beyond the borders of the Township, create particular problems of control in relation to adjoining uses or districts, have detrimental effects upon public health, safety or welfare, or possess other unique characteristics that prevent such uses from being permitted "by right" as a principal use in a particular zoning district. This Section is intended to provide a consistent and uniform method for review of special use applications, ensure full compliance with the standards contained in this Ordinance, achieve efficient use of land, prevent adverse impacts on neighboring properties and districts, and facilitate development in accordance with the objectives of the Master Plan.

### B. Application Requirements.

Special use applications shall be submitted in accordance with the following:

1. **Eligibility.** The application shall be submitted by the operator of the use or owner of an interest in the land or structure(s) for which special use approval is sought, or by the owner's designated agent. The applicant or agent shall be present at all scheduled review meetings. Applications that are found by the Zoning Administrator to be incomplete or inaccurate shall be returned to the applicant.
2. **Application.** Special use applications shall be submitted to the Township at least 30 calendar days prior to a Planning Commission meeting at which review is sought, and shall include the following information:
  - a. Contact information for the applicant and property owner, and proof of ownership. If the property is leased by the applicant, the owner's signed and dated authorization for the application shall be provided.
  - b. Address, location and tax identification number of the property.
  - c. A detailed description of the proposed use.
  - d. A site plan, if required by Section 12.01 (Site Plan Review).
  - e. Appropriate review fees, as determined by Township Board.
3. Any other information deemed necessary by the Zoning Administrator or Planning Commission to determine compliance with this Ordinance.

### C. Special Use Review Procedure.

The application shall be reviewed in accordance with following procedures:

1. **Coordination with site plan review.** A site plan associated with a special use shall not be approved unless the special use has first been approved. The Planning Commission may, at its discretion, consider special use and site plan applications at the same meeting.

2. **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to appropriate Township officials and staff for review and comment. The Zoning Administrator may also submit the application materials to designated Township consultants for review.
3. **Public hearing.** A public hearing shall be held for all special uses in accordance with Section 12.03 (Public Hearing Procedures).
4. **Planning Commission consideration.** Subsequent to the hearing, the Planning Commission shall review the application for special use approval, together with any reports and recommendations from Township officials, consultants, and other reviewing agencies, along with any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and the standards contained in Section 12.02H (Standards for Special Use Approval). The Planning Commission is authorized to table, approve, approve subject to conditions or deny the special use as follows:
  - a. **Tabling.** Upon determination by the Planning Commission that a special use application is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.
  - b. **Denial.** Upon determination that a special use application is not in compliance with the provisions of this Ordinance, including Section 12.02E (Standards for Special Use Approval), or would require extensive modifications to comply with said standards and regulations, the special use shall be denied. If a special use is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial. Failure of the applicant to attend two (2) or more meetings shall be grounds for the Planning Commission to deny the special use.
  - c. **Approval.** The special use may be approved by the Planning Commission upon determination that it is in compliance with the provisions of this Ordinance, including Section 12.02H (Standards for Special Use Approval). Upon approval, the special use shall be deemed a conforming use permitted in the district in which it is proposed, subject to site plan approval, and any conditions imposed on the use. Such approval shall affect only the lot or area thereof upon which the use is located.
  - d. **Approval subject to conditions.** The Planning Commission may approve a special use subject to reasonable conditions:
    - (1) Designed to protect natural resources, the health, safety, welfare, and social and economic well-being of users or patrons of the use under consideration, residents and landowners immediately adjacent to the proposed use, or the community as a whole;
    - (2) Related to the valid exercise of the police power, and the impacts of the proposed use; or

(3) Necessary to meet the intent and purpose of this Ordinance, related to the standards established in this Ordinance for the special use under consideration, and necessary for compliance with those standards.

e. **Recording of special use action.** Planning Commission action on the special use shall be recorded in the Planning Commission meeting minutes, stating the name, description and location of the proposed use, the findings of fact and conclusions or grounds for the Planning Commission's action, and any conditions of approval. The Zoning Administrator shall keep one (1) copy of the written record on file in the Township, and shall forward one (1) copy to the applicant as evidence of special use approval.

**D. Resubmission after Denial.**

A special use application that has been denied shall not be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.

**E. Appeals of Special Use Decisions.**

The Zoning Board of Appeals shall not have the authority to consider appeals of special use determinations by the Planning Commission.

**F. Expiration of Special Use Approval.**

Special use approval shall expire 365 days after the date of approval, unless the use has been established on the site, or the construction plan associated with the special use has been submitted for review. Special use approval shall also expire upon expiration of the approved construction plan associated with a special use.

Upon written request received by the Township prior to the expiration date, the Planning Commission may grant one (1) extension of up to 180 days, provided that the approved special use conforms to current Zoning Ordinance standards.

**G. Rescinding Special Use Approval.**

Approval of a special use may be rescinded by the Planning Commission upon determination that the use has not been improved, constructed or maintained in compliance with this Ordinance, approved permits, site plans, or conditions of site plan or special use approval. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 12.03 (Public Hearing Procedures), at which time the operator of the use or owner of an interest in the land or structure(s) for which special use approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner, operator or designated agent.

**H. Standards for Special Use Approval.**

Approval of a special use shall be based upon the determination that the proposed use complies with all applicable requirements of this Ordinance, and all of the following standards as deemed applicable to the use by the Planning Commission:

1. **A documented need exists for the proposed use.** A documented and immediate need exists for the proposed use within the community and the neighborhood.
2. **Compatibility with adjacent uses.** The special use is compatible with adjacent uses and the existing or intended character of the surrounding neighborhood. The use will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties, or the orderly development of the neighborhood.
3. **Compatibility with the Master Plan.** The special use location and character is consistent with the general principles, goals, objectives, and policies of the adopted Master Plan.
4. **Compliance with applicable regulations.** The proposed special use is in compliance with all applicable Ordinance provisions.
5. **Impact upon public services.** The impact of the special use upon public services will not exceed the existing or planned capacity of such services, including but not limited to utilities, roads, police and fire protection services, and educational services.
6. **Traffic impacts.** The special use is designed and located in a manner that minimizes any adverse traffic impacts caused or exacerbated by the use.
7. **Environmental and public health, safety, welfare impacts.** The location, design, activities, processes, materials, equipment, and operational conditions of the special use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage, topographic changes or other impacts.
8. **Isolation of existing uses.** Approval of the special use location will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.

**I. Compliance with Special Use Approval.**

It shall be the responsibility of the owner of the property and the operator of the use for which special use approval has been granted to develop, improve, operate and maintain the use, including the site, structures and all site elements, in accordance with the provisions of this Ordinance and all conditions of special use approval until the use is discontinued. Failure to comply with the provisions of this Section shall be a violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation. The Zoning Administrator may make periodic investigations of developments for which a special use has been approved. Noncompliance with Ordinance requirements or conditions of approval shall constitute grounds for the Planning Commission to rescind special use approval.

## Section 12.03 Public Hearing Procedures.

The body charged with conducting a public hearing required by this Ordinance shall, upon receipt of a completed application, select a reasonable time and place for such hearing. Such hearings shall be held in accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), and the following:

### A. Public Notice.

Notice of the public hearing shall be required in accordance with the following:

1. **Minimum notice contents.** The notice shall include the time and place of the hearing, the name of the body charged with conducting the hearing, a summary of the subject and purpose of the hearing, and a listing of the methods by which questions can be addressed and comments provided to the body charged with conducting the hearing.
2. **Address of the property.** The notice shall indicate the property that is the subject of the request, and shall include a listing of all existing street addresses for the subject property.
  - a. Street addresses do not need to be created and listed if no such addresses currently exist for the subject property. If there are no street addresses, other means of property identification may be used.
  - b. For any group of eleven (11) or more adjacent lots or parcels proposed for rezoning, individual addresses shall not be required to be listed on the notice.
3. **Posting and publication.** The notice shall be posted at the location where the hearing will be held and published once in a newspaper of general circulation in the Township.
4. **Delivery of public notices.** The notice shall be sent by mail or personal delivery to the applicant and owner(s) of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the boundary of the subject property, and to all occupants of structures within 300 feet of the boundary of the subject property, regardless of whether the property or occupant is located in the zoning jurisdiction.
  - a. If the name of the occupant is not known, the term "occupant" may be used in making notification.
  - b. Mailing or personal delivery of such notices shall not be required for amendments to or interpretations of the text of the Zoning Ordinance, appeals of administrative decisions, and, any group of eleven (11) or more adjacent lots or parcels proposed for rezoning.
  - c. Such notices need not be given to more than one (1) occupant of a dwelling, subject to the following:

- (1) If a building contains two (2) to four (4) dwelling units, delivery or mailing of one (1) notice to the building occupants shall satisfy this requirement.
  - (2) If a building contains more than four (4) dwelling units, delivery or mailing of one (1) notice to the building owner or manager with a request to post the notice at the primary building entrance shall satisfy this requirement.
- d. For any proposed amendment to the zoning map within 300 feet of the boundary of any adjacent municipality, written notice of the public hearing shall also be given to the Clerk or the zoning or planning agency of said municipality.
  - e. If the notice is delivered by mail, an affidavit of mailing shall be filed with the body charged with conducting the hearing.
5. **Timing of notice posting, publication, and mailing.** The notice shall be posted, published, and mailed or personally delivered in accordance with the requirements of this Section not less than 15 days before the hearing date when the application will be considered.
6. **Discretionary notice.** The Township may, at its discretion, post this notice at other public-accessible locations, including but not limited to Township Hall, community bulletin boards, and the Internet. The Township may also send this notice by mail to additional persons, including occupants of multiple-family residential buildings and those located more than 300 feet from the boundary of the property in question, provided that the applicant is not required to pay for expenses associated with the additional mailings.

**B. Pre-Hearing Examination.**

Upon reasonable request, any person may examine the application and all other documents on file with the Township pertaining to the subject and purpose of the hearing. Any person shall be entitled to copies of such application and documents upon reasonable request and payment of fees as established by the Township Board to cover the cost of making such copies.

**C. Right to Submit Written Statements.**

Any person may submit written comments about the subject and purpose of the hearing prior to a hearing or within such time as may be allowed by the hearing body following such hearing,. Such statements shall be made a part of the public record of the hearing.

**D. Timeframe for Hearings.**

The public hearing shall be scheduled for a date not more than 90 calendar days after receipt of a complete and accurate application by the body charged with conducting the hearing, unless a further time is agreed upon by the parties concerned.

**E. Rights of All Persons.**

Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney. Documentary evidence may be submitted for consideration, provided that the hearing body shall exclude such evidence deemed irrelevant, immaterial or unduly repetitious.

**F. Adjournment.**

The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing to a reasonable and fixed future date, time and place for the purpose of giving further notice, accumulating further evidence or information or for such other reasons that the body finds to be sufficient. No additional public notice is required beyond that already given for the original hearing.

**G. Governance.**

All other matters pertaining to the conduct of hearings shall be governed by applicable provisions of this Ordinance, and the rules and procedures adopted by the body conducting the hearing.





## Section 12.04 Amendments.

The Township Board may, after recommendation from the Planning Commission, amend, supplement or change the provisions of this Ordinance or Official Zoning Map. Such actions shall be consistent with the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), and the following:

### A. Initiation of Amendment.

Amendments to the provisions of this Ordinance may be initiated by the Township Board, Planning Commission, or Zoning Administrator, or by petition from one (1) or more residents or property owners of the Township. An amendment to the official Zoning Map (rezoning) may be initiated by the Township Board, Planning Commission, or Zoning Administrator, or by the title holder for the property subject to the proposed amendment. No fee shall be charged for amendments initiated by the Township Board, Planning Commission or Zoning Administrator.

### B. Application.

An amendment to this Ordinance (except those initiated by the Township Board, Planning Commission or Zoning Administrator), shall be initiated by submission of a complete and accurate application to the Township, along with the required fee established by Township Board. In the case of an amendment to the official Zoning Map, the following information shall accompany the application and fee:

1. A legal description and street address of the subject property, together with a survey and location map identifying the subject property in relation to surrounding properties.
2. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property, if not the owner in fee simple title.
3. The existing and proposed zoning district designation of the subject property and surrounding properties.
4. A written description of how the requested amendment meets the criteria stated in this Section.

### C. Amendment Review Procedure.

Proposed amendments to this Ordinance or Official Zoning Map shall be reviewed in accordance with the following:

1. **Technical review.** Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate Township officials for review and comment. The Zoning Administrator may also submit the application materials to designated Township consultants for review.
2. **Public hearing.** A public hearing shall be held for all proposed amendments in accordance with Section 12.03 (Public Hearing Procedures).

3. **Planning Commission consideration of the proposed amendment.** Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments. The Planning Commission shall identify and evaluate all relevant factors, and shall report its findings and recommendation to the Township Board.

In considering an amendment to the official Zoning Map (rezoning), the Planning Commission shall consider the following factors in making its findings and recommendations:

- a. Consistency with the Master Plan's goals, policies, and future land use map, including planned timing or sequence of development. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.
  - b. Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site's physical, geological, hydrological, and other environmental features.
  - c. Compatibility of all the potential uses allowed in the proposed district(s) with surrounding uses and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure and potential influence on property values.
  - d. Capacity of available utilities and public services to accommodate the uses permitted in the district(s) without compromising the health, safety, and welfare of Township residents or burdening the Township or Gladwin County with unplanned capital improvement costs or other unplanned public expenses.
  - e. Capability of the road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district(s).
  - f. The apparent demand for the types of uses permitted in the district(s) in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.
  - g. The boundaries of the proposed district(s) in relationship to the surrounding area and the scale of future development on the site.
  - h. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.
  - i. Other factors deemed appropriate by the Planning Commission and Township Board.
4. **Township Board action on the proposed amendment.** Upon receipt of the report and recommendation from the Planning Commission, the Township Board shall consider the proposed amendment.

- a. The Township Board may adopt the proposed amendment, or may refer the amendment back to the Planning Commission for revision or further consideration.
- b. If the Township Board requests revisions to the proposed amendment, the amendment and requested revisions shall be referred back to the Planning Commission for further consideration.
- c. The Township Board may, at its discretion, hold additional public hearings on the proposed amendment in accordance with Section 12.03 (Public Hearing Procedures). The Township Board shall hold a public hearing on a proposed Ordinance amendment upon written request by a property owner sent by certified mail to the Township Clerk.

**D. Re-Application.**

Whenever an application for an amendment to this Ordinance has been denied by the Township Board, a new application for the same amendment shall not be accepted by the Township for a period of 365 calendar days unless the Zoning Administrator determines that one or more of the following conditions has been met:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
2. New or additional information is available that was not available at the time of the review.
3. The new application is materially different from the prior application.

**E. Notice of Adoption.**

A notice of adoption shall be published in a newspaper of general circulation in the Township within 15 calendar days following Township Board adoption of an amendment to the Zoning Ordinance or Official Zoning Map. The amendment shall take effect seven (7) calendar days after the date of publication of the notice of adoption, unless a later date is specified by the Township Board. The notice of adoption shall include the following information:

1. The article(s) and section(s) affected, in the case of a text amendment.
2. Either the text of the amendment or a summary of the regulatory effect of the amendment, including any geographic area affected.
3. The effective date of the amendment.
4. The place and time where a copy of the amended Zoning Ordinance or Official Zoning Map may be inspected or purchased.

**F. Referendum.**

Within seven (7) calendar days after publication of the notice of adoption for an amendment to the Zoning Ordinance or Official Zoning Map, a registered elector residing

in the unincorporated portion of the Township may file with the Township Clerk a notice of intent to file a petition for referendum under this Section.

1. If a notice of intent is filed, then within 30 calendar days after publication of the notice of adoption for an amendment to the Zoning Ordinance or Official Zoning Map, a petition may be filed with the Township Clerk requesting therein for the submission of the amendment to the electors residing in the unincorporated portion of the Township for their approval. To qualify, the petition shall be signed by a number of qualified and registered voters residing in the unincorporated portion of the Township equal to not less than fifteen percent (15%) of the total votes cast in the Township for all candidates for Governor of the State of Michigan at the last preceding general election at which the Governor was elected.
  - a. Upon the filing of a notice of intent, the approved amendment shall not take effect until one (1) of the following occurs:
  - b. The expiration of 30 calendar days after publication of the notice of adoption for the amendment to the Zoning Ordinance or Official Zoning Map, if the petition is not filed within that time period.
  - c. The Township Clerk finds that the petition, if filed within 30 calendar days after publication of the notice of adoption for the amendment to the Zoning Ordinance or Official Zoning Map, is inadequate.
2. If a petition is filed within 30 calendar days after publication of the notice of adoption for the amendment to the Zoning Ordinance or Official Zoning Map, the Township Clerk finds that the petition is adequate, and the amendment is approved by a majority of the registered electors residing in the unincorporated portion of the Township. The referendum shall be held at the next regular election date that provides sufficient time for proper notices and printing of ballots, as determined by the Township Clerk. The Township Board shall provide the manner of submitting the amendment to the electors for their approval or rejection, and determining the result of the election.

**G. Conformance to Court Decree.**

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

**H. Conditional Rezoning Prohibited.**

Conditional rezoning, as authorized by Section 405 of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), shall be prohibited in the Township. Any application for a rezoning amendment to the Official Zoning Map that includes proposed conditions or voluntary use or development limitations shall be returned to the applicant without further Township review or consideration.

## ARTICLE 13

### CONDOMINIUM REGULATIONS

#### Section 13.01 Purpose.

The purpose of this Article is to regulate projects that divide real property under a contractual arrangement known as a condominium. New and conversion condominium projects shall conform to the requirements of this Ordinance and the Condominium Act (P.A. 59 of 1978, as amended). Condominium projects shall be reviewed in a manner consistent with equivalent projects within the zoning district.

Pursuant to the authority conferred by the Condominium Act (P.A. 59 of 1978, as amended), condominium subdivision plans shall be regulated by this Ordinance as site condominiums, and shall be considered equivalent to a platted subdivision for the purposes of enforcing the Township's site development standards. The intent of this Article is to ensure that condominium subdivision (site condominium) subdivisions are developed in compliance with all applicable standards of this Ordinance and the Land Division Act (P.A. 288 of 1967, as amended), except that the review procedures of this Article and Ordinance shall apply.

It is the intent of this Article that review of condominium subdivision (site condominium) plans be accomplished, aside from procedural differences, with the objective and intent of achieving the same results as if the site were to be developed as a traditional subdivision under the Land Division Act (P.A. 288 of 1967, as amended), except that nothing in this Article shall be construed to require a site condominium development to obtain plat approval.

#### Section 13.02 Condominium Unit Requirements.

The following regulations shall apply to all condominium units:

##### A. Types of Permitted Condominium Units.

The following types of condominium units shall be permitted under this Article, subject to conformance with the use and zoning district standards of this Ordinance:

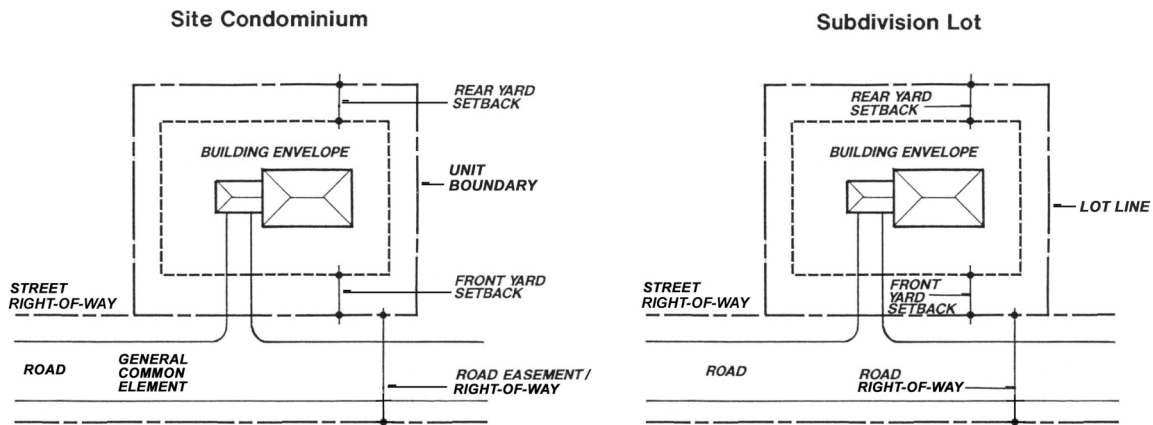
1. **Single-family detached units.** In the case of a condominium project in which the condominium units are intended for detached single-family residential purposes (site condominium), not more than one (1) single-family dwelling unit and permitted accessory structure shall be proposed or constructed on a condominium lot. No dwelling unit may be located on a condominium lot with any other approved principal use. The condominium unit shall be considered a lot under this Ordinance.
2. **Attached residential or multiple-family residential units.** Condominium buildings and units created by the construction of multiple or attached residential units containing individually owned condominium units, or by conversion of

existing multiple-family or attached units or an existing building into residential condominium units shall conform with all requirements of this Ordinance and the applicable zoning district.

3. **Non-residential condominium units.** A non-residential condominium project consisting of either new building construction or the conversion of an existing building into individual condominium units shall conform with all requirements of this Ordinance for the zoning district.

**B. Condominium Unit or Site Condominium Lot.**

For purposes of this Article and Ordinance, each detached condominium unit or site condominium lot shall be considered the equivalent of a platted lot of record as referenced in the Land Division Act (P.A. 288 of 1967, as amended), and shall comply with the dimensional standards of the zoning district.



**Site Condominium Unit/Subdivision Lot Comparison**

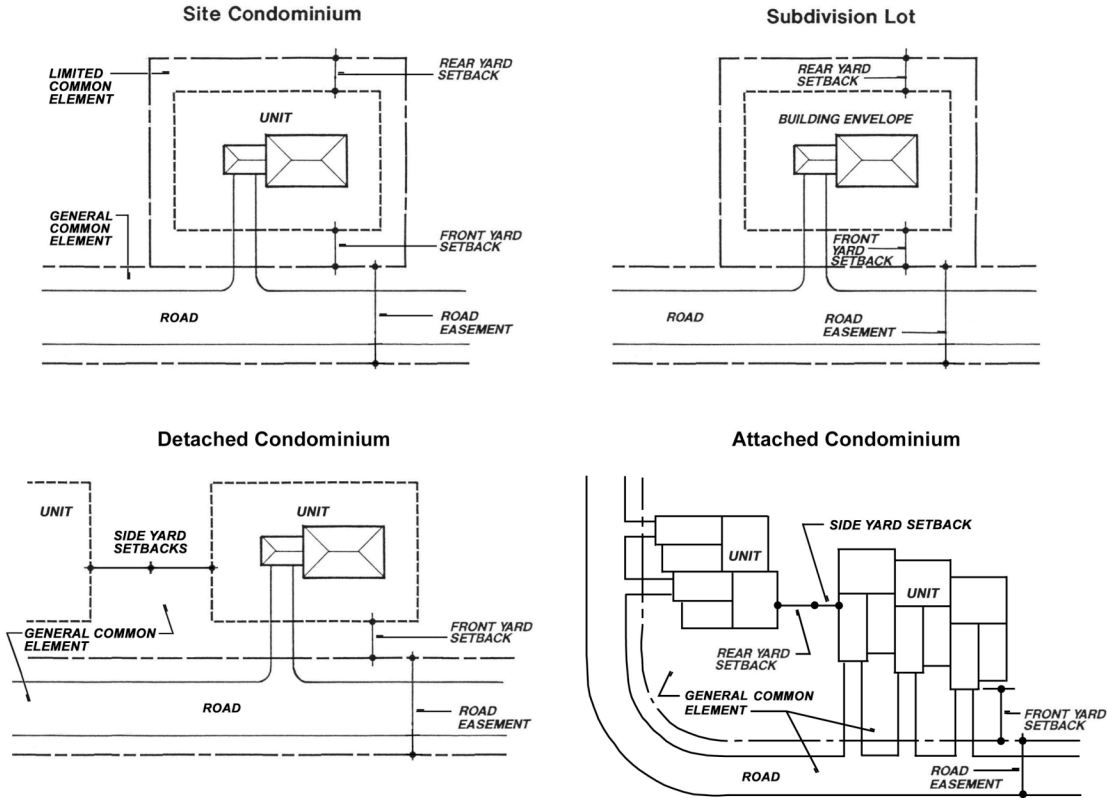
**C. Area Computation.**

The minimum area of the site condominium unit and the surrounding limited common element shall be equivalent to the minimum lot area and lot width requirements for the zoning district where the project is located. Areas within a public or private road right-of-way or equivalent easement or dedication shall not be included in the calculation of minimum condominium lot area or determination of dwelling density for a site.

**D. Relocation of Lot Boundaries.**

The relocation of boundaries or any other change in the dimensions of a condominium unit or site condominium lot shall be considered an amendment to the condominium documents and condominium site plan. Relocation of condominium lot boundaries, as permitted in Section 48 of the Condominium Act (P.A. 59 of 1978, as amended), shall comply with the requirements of Article 4 (Dimensional Standards), and shall be subject to the review procedures specified in Section 12.01E (Site Plan Review Procedure).

Any property remaining after the formation of a new unit lot by the relocation of an existing condominium lot boundary, as permitted by Section 49 of the Condominium Act (P.A. 59 of 1978, as amended), shall comply with the requirements of Article 4 (Dimensional Standards) or shall be placed into common areas within the project.



## Condominium Terminology

### Section 13.03 Review Requirements.

A condominium project shall be subject to the site plan review procedures specified in Section 12. 01E (Site Plan Review Procedure), and the following:

#### A. Conceptual Review.

To minimize time, costs and interpretation of Township development requirements, applicants are encouraged to meet informally with the Zoning Administrator, other Township officials, and designated Township consultants to discuss a conceptual condominium site plan, site issues and application of Ordinance standards, prior to submitting plans for formal review.

1. Any person may also request that a conceptual condominium site plan be placed on a regular Planning Commission meeting agenda as a discussion item for review and comment. The conceptual plan shall include the minimum



information required by Section 13.04A (Conceptual Condominium Plan Requirements).

2. Comments and suggestions by the Township regarding a conceptual plan shall constitute neither an approval nor a disapproval of the plan, nor shall the Township be bound in any way by such comments or suggestions in preparing for formal submittal or review of a condominium site plan.

For condominium subdivision (site condominium) developments, conceptual condominium site plan review shall be considered the equivalent of an initial plat investigation, as referenced in the Land Division Act (P.A. 288 of 1967, as amended).

**B. Condominium Site Plan Review.**

Prior to recording of the Master Deed of the condominium project as required by Section 72 of the Condominium Act, each condominium project shall be subject to review and approval of a condominium site plan by the Planning Commission. The plan shall include all information required by Section 13.04B (Condominium Site Plan Requirements).

The Planning Commission shall review and take action regarding a condominium site plan application in accordance with the review procedures specified in Section 12.01E (Site Plan Review Procedure), and the standards for approval specified in Section 12.01P (Standards for Site Plan Approval). For site condominium developments, condominium site plan review shall be considered the equivalent of a preliminary plat review, as referenced in the Land Division Act (P.A. 288 of 1967, as amended).

**C. Outside Agency Permits or Approvals.**

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to construction plan approval.

**D. Condominium Construction Plans.**

When detailed construction or engineering plans are required by the Township, county or other agency with jurisdiction, such plans shall be reviewed by the Township in accordance with Section 12.01G (Construction Plans). The plan shall include all information required by Section 13.04C (Condominium Construction Plan Requirements).

For site condominium developments, condominium construction plan review shall be considered the equivalent of a final plat review, as referenced in the Land Division Act (P.A. 288 of 1967, as amended).

**Section 13.04 Required Plan Information.**

**A. Conceptual Condominium Plan Requirements.**

The following information shall be included with a conceptual condominium site plan:

1. **Ownership interest.** Declaration of all persons with an ownership interest in the land on which the condominium project will be located, including a description of the nature of each entity's interest (e.g. fee owner, option holder, lessee or land contract vendee).
2. **Proposed use.** The proposed use(s) of the condominium project.
3. **Density.** The total acreage of the condominium site, acreage set aside for road rights-of-way, number of condominium units to be developed on the subject parcel and density computation on a unit per acre basis.
4. **Circulation.** The vehicular and pedestrian circulation system planned for the proposed development, including the designation of any road(s) for private ownership or dedication to the public.
5. **Road layout.** The location of existing roads adjacent to the development, with details for the location and design of interior roads and access drives, and proposed connections to abutting roads.
6. **Unit lot orientation.** The proposed layout of structures, unit lots, parking areas, open space and recreation areas.
7. **Drainage.** Site drainage showing topography and flow directions, including computations of flows into storm sewers or retention or detention areas;
8. **Natural features.** Specific locations and dimensions of wetland areas, wetland buffers, floodplain, and significant natural features such as tree stands, unusual slopes, streams and water drainage areas. The gross land area of all wetland areas and proposed open space dedications shall be provided.

**B. Condominium Site Plan Requirements.**

The following information shall be included with a condominium site plan:

1. **Site plan information.** All information required for a site plan review, as specified in Section 12.010 (Required Information for Site Plans). For condominium subdivision (site condominium) developments, all information required for preliminary plat approval shall be provided on the condominium subdivision plan.
2. **Condominium restrictions.** All deed restrictions, restrictive covenants or other proposed regulations for the layout, use and maintenance of public or common areas and structures shall be incorporated into the site plan as detail sheets and notes.
3. **Common areas defined.** Limited common elements, common elements, unit lots, preservation areas, convertible areas and any other designated ownership areas shall be clearly delineated on the site plan.

4. **Documents.** The master deed, condominium bylaws, restrictive covenants, and related condominium documents shall be provided for Township Attorney review.
5. **Additional information.** The following additional information shall be submitted for Township review:
  - a. Cross sections of roads, driveways, sidewalks, and other paved areas.
  - b. Details of any proposed sanitary, storm, and water system improvements.
  - c. All condominium documents as defined in this Ordinance.
  - d. All necessary easement documents showing the dedication of land areas for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing or removing pipelines, mains, conduits and other installations of a similar character; providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement; and excavating and refilling ditches and trenches necessary for the location of said structures.

**C. Condominium Construction Plan Requirements.**

The following shall be submitted to the Township as part of any construction or engineering plans for a condominium project:

1. **Revised plan.** A revised, dated, and sealed condominium construction plan shall be submitted incorporating all changes, if any, required to comply with condominium site plan approval.
2. **Outside agency approvals.** Verification of all required state and county approvals or comments pursuant to Section 13.03C (Outside Agency Permits or Approvals) above.
3. **Section 71 comments.** Presentation of all comments pursuant to Section 71 of the Condominium Act (P.A. 59 of 1978, as amended).
4. **Condominium documents.** Copies of the recorded condominium documents or copies of the documents in their final recordable form, including the required condominium construction plan (Exhibit B).

**Section 13.05 Project Standards.**

The following standards are applicable to condominiums:

**A. Use Standards.**

Uses within a condominium project shall be regulated by standards of the zoning district where the project is located.

**B. Subdivision Requirements.**

The substantive requirements for roads, utilities, storm drainage, lots, and other improvements necessary to serve the development, as referenced in the Land Division Act (P.A. 288 of 1967, as amended), shall apply to all condominium subdivision (site condominium) projects.

**C. Setbacks.**

The setback requirements of the underlying zoning district, as specified in Article 4 (Dimensional Standards), shall establish the required interior and perimeter setbacks for the condominium development. Such setbacks shall be measured from the perimeter of the condominium lot or road right-of-way line to the nearest part of the structure or building envelope.

**D. Utility Connections.**

Each site condominium unit shall be separately connected to available public water supply and sanitary sewer systems, where such services are available. Private well or septic services shall conform with county and state requirements, and proof of permits and approvals for such facilities shall be provided to the Township.

**E. Roads and Access.**

The internal circulation system shall provide adequate means of access and circulation, subject to the following:

1. **Roads.** The proposed development shall provide logical extensions of existing or planned public and private roads in the Township, and shall provide suitable road connections to adjacent parcels, where applicable. Roads shall be designed to meet the engineering standards of the Township or Gladwin County, as applicable.
2. **Sidewalks and pedestrian paths.** To provide access to all common areas and uses, the Planning Commission may require any of the following pedestrian facilities to be provided within and through a condominium development:
  - a. Minimum five (5) foot wide concrete sidewalks along interior and perimeter roads serving a condominium development.
  - b. Paved pedestrian paths constructed of asphalt, crushed limestone or similar durable materials.
  - c. Where required, such paths shall include logical connections to and extensions of pedestrian paths outside of the condominium project.
3. **Traffic impacts.** Traffic to, from, and within the site shall not be hazardous or inconvenient to the project or to the neighborhood. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic, relationship of the proposed project to main thoroughfares

and road intersections; and the general character and intensity of the existing and potential development of the neighborhood. A traffic impact study may be required by the Planning Commission, per Section 7.12 (Traffic Impact Studies).

**F. Infrastructure and Other Site Improvements.**

Drainage and utility facilities and improvements shall meet or exceed applicable Township, county, and state requirements. All utilities must be installed underground. Drainage structures (detention/retention basins, swales) shall be designed to blend with the site's natural features. Stormwater basins shall be designed to emulate a naturally formed or free form depression. Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, it shall be decorative, in the determination of the Planning Commission.

**Section 13.06 Monuments.**

All condominium subdivision (site condominium) projects shall be clearly marked with monuments as follows:

**A. Required.**

Monuments shall be placed in the ground according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a road to mark angles in the boundary of the condominium project if the angle points can be readily re-established by reference to monuments along the sidelines of the roads.

**B. Construction.**

Monuments shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and 36 inches long, and completely encased in concrete at least four (4) inches in diameter.

**C. Location.**

Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of roads and at the intersection of the lines of roads with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature, and angle points in the side lines of roads and alleys; at all angles of an intermediate traverse line; and at the intersection of all limited common elements and all common elements.

1. **Reference.** If the required location of a monument is inaccessible or locating a monument would be impractical, it is sufficient to place a reference monument nearby, with the precise location clearly indicated on the plans and referenced to the true point.

2. **Steel rods.** If a monument point is required to be on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
3. **Set at grade.** All required monuments should be placed flush with the surrounding grade where practicable.

**D. Condominium Unit Corners.**

Each site condominium unit corner shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and one-half (1/2) inch in diameter, or other markers approved by the Township Engineer. Each condominium lot must be able to be defined by reference to appropriate condominium unit monuments.

**E. Timing.**

The Zoning Administrator, upon recommendation of the Township Engineer, may waive the placing of any required monuments and markers for a reasonable time period on the condition that the proprietor deposits a performance guarantee with the Township Clerk in an amount sufficient to cover the costs for placing such monuments and markers, subject to the requirements of Section 1.09 (Fees and Performance Guarantees).

The period shall not exceed 365 days after the date of condominium construction plan approval. The performance guarantee shall be returned to the proprietor upon receipt of a certificate by a licensed surveyor that the monuments and markers have been placed as required within the time specified. Failure to complete within the time period will lead to forfeiture of the performance guarantee, and completion of the placement under the direction of the Zoning Administrator.

**Section 13.07 Post Construction Requirements.**

**A. Document Submittals.**

1. It shall be the responsibility of the developer or proprietor of a condominium project to furnish the following items to the Zoning Administrator:
  - a. One (1) copy of the recorded Master Deed and all restrictive covenants;
  - b. Two (2) copies of the project site plan and an "as built survey," sealed by a licensed professional engineer, landscape architect or similar certified professional, in a format acceptable to the Township; and
  - c. One (1) copy of the project site plan and an "as built survey" in an electronic format acceptable to the Township.
2. The Zoning Administrator may withhold zoning permit approval for any structure within the condominium project, if such documents have not been submitted within 10 days after written request from the Zoning Administrator to do so.

3. The developer or proprietor shall also record all condominium documents and exhibits with the county Register of Deeds office in a manner and format acceptable to the county.

**B. Plan Revisions.**

If the condominium construction plan [Exhibit B, as required by the Condominium Act (P.A. 59 of 1978, as amended)] is revised, the revised plan shall be submitted to the Township for review and approval in accordance with Section 12.01N (Revisions to Approved Site Plans).

**C. Amended Documents.**

Amendments to any condominium document that significantly impact the approved condominium site plan, or any conditions of the condominium site plan approval, shall be submitted to the Planning Commission and Township Attorney for review and approval.

**D. Condominium Site Plan Expiration.**

Condominium site plans shall expire 365 days after the date of approval, unless the construction plan for the project has been submitted to the Township for review. Upon written request received by the Township prior to the expiration date, the Planning Commission may grant one (1) extension of final approval for up to 365 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved plan remains in conformance with all applicable provisions of this Ordinance.

**E. Rescinding Approval of a Condominium Site Plan.**

Condominium site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, plans, or conditions of approval. Such action shall be taken in accordance with the procedural requirements of Section 12.01M (Rescinding Site Plan Approval).

## **ARTICLE 14**

### **PLANNED UNIT DEVELOPMENT (PUD) DISTRICT**

#### **Section 14.01 Intent.**

It is the intent of this Article to allow the use of the planned unit development (PUD) process, as authorized by the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) as an optional method of development review and approval, for the purposes of:

1. Encouraging the use of land in accordance with its character and adaptability.
2. Conserving natural resources, natural features and energy.
3. Promoting innovation in land use planning.
4. Providing opportunities for a variety of housing choices, and enhanced employment, shopping, and recreational opportunities for the people of the Township.
5. Ensuring compatibility of design and use between neighboring properties.
6. Encouraging development that is consistent with the Township's Master Plan.

The provisions of this Article are intended to result in land development substantially consistent with the zoning standards generally applied to the proposed uses, while allowing for the option of Township approval for limited modifications from the applicable standards of this Ordinance as applied to a particular site and development project.

#### **Section 14.02 Scope.**

The provisions of this Article may be applied to any parcel of land under single ownership in any zoning district, subject to a determination that the proposed project and site satisfy Section 14.03 (Eligibility Criteria). These regulations are not intended as a device for ignoring the more specific standards of the Township, or the planning upon which the standards are based. The PUD process shall not be used for the sole purpose of increasing the density or intensity of development, nor in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards. Further, PUD projects shall not materially add public service or facility loads beyond those contemplated in the Master Plan or other adopted policies or plans.

#### **Section 14.03 Eligibility Criteria.**

To be eligible for planned unit development (PUD) approval, the applicant shall demonstrate that the following criteria will be met:



1. **Availability and capacity of public services.** The proposed type and intensity of use shall not exceed the existing or planned capacity of existing public services and facilities, including police and fire protection, traffic capacity of the Township's public roads, drainage and stormwater management facilities, availability of water, capacity of private septic or public sanitary sewer facilities, refuse disposal, and educational services.
2. **Compatibility with the Master Plan.** The proposed development shall be compatible with the Township's Master Plan.
3. **Compatibility with the planned development intent.** The proposed development shall be consistent with the intent and spirit of these regulations, as stated in Section 14.01 (Intent).
4. **Economic impact.** The proposed development shall not impede the continued use or development of surrounding properties for uses permitted by this Ordinance or planned in the Township's Master Plan.
5. **Unified control.** The proposed development shall be under single ownership or unified control, where a single entity has responsibility for completing the project.
6. **Public benefit.** A recognizable and material benefit will be realized by both the future users of the development and the Township as a whole, where such benefit would otherwise be unachievable under the provisions of this Ordinance.
7. **Preservation of site features.** Long-term conservation of natural, historical, architectural or other significant site features or open space will be achieved, where such features would otherwise be removed or damaged by development otherwise permitted by this Ordinance.
8. **Sufficient land area for proposed uses.** The PUD site shall include a minimum of 40 acres of contiguous land. Additional non-contiguous land areas within the Township may be included as part of the proposed open space dedications for a PUD project. The proposed development shall provide sufficient land area to comply with all applicable regulations of this Ordinance, adequately serve the needs of all permitted uses in the PUD project, and ensure compatibility between uses and the surrounding neighborhood.

### **Section 14.04 Use Standards.**

A planned unit development (PUD) project shall be consistent with the following use standards:

#### **A. Permitted Uses.**

The proposed PUD may contain any use or combination of uses listed in Article 3 (Land Use Tables), provided that all proposed uses satisfy the following criteria:

1. **Compatible with the Master Plan.** Proposed uses shall be consistent or compatible with the types and intensities of uses specified for the site in this Ordinance or the Township's Master Plan.

2. **Harmonious relationship.** There shall be a reasonably harmonious relationship between the location of buildings and uses on the site and the surrounding area.
3. **Combination of residential and non-residential uses.** Residential and non-residential uses may be permitted together in a PUD, provided that such uses are carefully integrated to create a high quality living environment consistent with good site design and sound planning principles. Where the Township's Master Plan designation is residential, permitted non-residential uses shall be subject to the following:
  - a. Permitted non-residential uses shall be limited to the following use groups defined in Article 3 (Land Use Tables): OFFICE AND SERVICE USES, COMMUNITY USES, COMMERCIAL USES, and INDUSTRIAL, RESEARCH AND LABORATORY USES.
  - b. Specific use groups or individual uses may be excluded by the Township Board from any PUD, upon recommendation by the Planning Commission.
  - c. Permitted non-residential uses shall be limited to three percent (3%) of the gross area of the residential land and three percent (3%) of the gross floor area of any building occupied by residential uses.
  - d. Permitted non-residential uses shall be primarily designed and operated for the use of the residents of the development.
4. **Use of common open space.** Dedicated open spaces included as part of a PUD project may be used for nature preserves, natural areas, passive recreation or any of the ANIMAL AND AGRICULTURAL USES listed in Article 3 (Land Use Table), with the exception of livestock production facilities as regulated by Section 5.105 (Livestock Production Facilities). A maximum of twenty-five percent (25%) of any required open space area may be used for active recreation facilities, such as riding stables or golf courses.
5. **Use standards.** The specific standards of Article 5 (Use Standards) shall apply to all uses permitted within a PUD project.

#### **B. Residential Use and Density.**

The Planning Commission may require that a variety of housing types be provided as part of a residential PUD project, including detached and attached single-family dwellings, two-family dwellings, townhouses, and other multiple-family dwellings.

The number of dwelling units permitted within a PUD project shall be determined through review of a parallel plan prepared by the applicant. The parallel plan for the project shall be consistent with State, County, and Township requirements and design criteria for the type of dwelling unit proposed. The parallel plan shall meet all standards for lot size, lot width, and setbacks normally required for such development. The parallel plan shall also provide sufficient area for storm water detention. Lots in a parallel plan shall provide sufficient building size without impacting wetlands regulated by the Michigan Department of Environmental Quality (MDEQ).

The Planning Commission shall review the design and determine the number of dwelling units that could feasibly be constructed and economically viable following the parallel design. This number, as determined by the Planning Commission, shall be the maximum number of dwelling units allowable in the PUD project, except where additional dwelling units are permitted by the Planning Commission per Section 14.04C (Exemplary Project Density Bonus).

**C. Exemplary Project Density Bonus.**

The Township Board may permit a residential PUD project to include a density bonus of up to twenty percent (20%) above the number of dwelling units otherwise permitted by Section 14.04B (Residential Use and Density). Such a bonus shall be subject to review and recommendation by the Planning Commission, and a determination that the PUD project satisfies a minimum of three (3) of the following elements:

1. The proposed PUD includes innovations in energy efficient design, enhanced vehicular and pedestrian safety improvements or provisions for dedicated open space above the minimum required.
2. The proposed PUD includes an integrated mixture of housing types or lot sizes.
3. The proposed PUD includes extensive clean-up of a blighted site, contamination removal or demolition of obsolete structures.
4. The proposed PUD includes conservation of significant non-contiguous open space areas, recreation land, farm land or active agricultural land through a dedicated conservation easement acceptable to the Township.
5. The proposed PUD includes significant improvements to public facilities or utilities that enhance the long-term viability of the project and allow for more efficient use of land.
6. The proposed PUD includes dedicated open space areas along abutting public roads designed to preserve the rural appearance of the site from the road. Such open space areas shall:
  - a. Provide a minimum undisturbed width along the road right-of-way of 660 feet, unbroken by driveways or internal roads.
  - b. Have a minimum depth of 300 feet.
  - c. Such areas shall be protected by a dedicated conservation easement or other means of permanent preservation acceptable to the Township.

**Section 14.05 Development Standards.**

A planned unit development (PUD) project shall be consistent with the following general standards for the type, bulk, design and location of structures, common space, and public facility requirements. The Township Board may waive or modify the standards of this Section, upon determination that an alternative standard would be in accordance with the intent of this Article.

**A. Unified Control.**

The entire area of the proposed development shall be under single ownership or unified control, such that there is a single entity having responsibility for completing the entire project. This provision shall not prohibit a transfer of ownership or control, provided that notice of such transfer is given in advance to the Zoning Administrator and a unified ownership remains.

**B. Dimensional and Use Standards.**

The area, height, lot, yard, and bulk standards of Article 4 (Dimensional Standards) shall apply to uses permitted within a PUD project. These requirements may be modified within the PUD project, subject to approval by the Township Board after recommendation by the Planning Commission.

**C. Roads and Access.**

The internal circulation system shall provide adequate means of access and circulation, subject to the following:

1. **Roads.** The proposed development shall provide logical extensions of existing or planned public and private roads in the Township, and shall provide suitable road connections to adjacent parcels, where applicable. Roads shall be designed to meet the engineering standards of the Township or Gladwin County, as applicable.
2. **Sidewalks and pedestrian paths.** To provide access to all common areas and uses, the Planning Commission may require any of the following pedestrian facilities to be provided within and through a condominium development:
  - a. Minimum five (5) foot wide concrete sidewalks along interior and perimeter roads serving a condominium development.
  - b. Paved pedestrian paths constructed of asphalt, crushed limestone or similar durable materials.
  - c. Where required, such paths shall include logical connections to and extensions of pedestrian paths outside of the condominium project.
3. **Traffic impacts.** Traffic to, from, and within the site shall not be hazardous or inconvenient to the project or to the neighborhood. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic, relationship of the proposed project to main thoroughfares and road intersections; and the general character and intensity of the existing and potential development of the neighborhood. The Planning Commission may require the applicant to submit a traffic impact study for review, per Section 7.12 (Traffic Impact Studies).

**D. Common Open Space.**

Open space shall be located on the parcel to preserve distinctive natural features and rural characteristics, preserve farm lands and active agricultural uses, conserve

recreational lands, minimize development impacts on wetlands, rivers, and sensitive environmental areas, and maintain open, rural character along main roads, subject to the following:

1. **Minimum area.** A minimum of fifty percent (50%) of the net land area of the PUD project shall be designated and maintained as common open space accessible and available to the residents of the PUD project.
2. **Continuity.** The location of such common open space areas shall be coordinated with surrounding uses and lands, as well as the natural characteristics of the project site.
3. **Wetlands, floodplains or open water.** A maximum of twenty-five percent (25%) of any required open space area may be occupied by wetlands, floodplains or open water.
4. **Dedication.** The applicant shall provide for a conservation easement or similar device satisfactory to the Township Attorney to ensure that the open space or common areas will be or have been irrevocably committed for that purpose. Such conveyance shall:
  - a. Indicate the proposed use(s) of the required open space, including specific restrictions regarding use, alteration, and permitted development activities.
  - b. Provide for privately-owned open space to be maintained by private property owners with an interest in the open space, including maintenance standards, and provisions for financing of maintenance and improvements.
  - c. Provide notice of possible assessment to the private property owners by the Township for the cost of necessary maintenance, in the event that a lack of maintenance causes the open space to become a public nuisance.
  - d. Be recorded with the Gladwin County Register of Deeds to provide record notice of the restrictions to all persons having a property interest in the PUD.
5. **Not included as open space.** Open space areas shall not include road rights-of-way, driveways, off-street parking areas, required yard setbacks or other undeveloped portions of individual lots or areas accessory to individual uses within the PUD.

**D. Infrastructure.**

Road, drainage and utility design shall meet or exceed the applicable Township, county, and state requirements. All utilities shall be installed underground, where feasible. Drainage structures (detention/retention basins, swales) shall be designed to blend with the site's natural features. Stormwater basins shall be designed to emulate a naturally formed or free form depression. Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, it shall be decorative, in the determination of the Planning Commission.

**D. Other Site Improvements.**

Exterior lighting, signs, structures, landscaping, and other improvements shall be designed and constructed to be consistent with the rural character of the Township, existing and planned land uses, and the site's natural features. Except where specifically permitted by the Township Board as a modification, the standards of this Ordinance shall apply to a PUD project.

**F. Other Impacts.**

The Planning Commission shall determine, where applicable, that noise, odor, light, or other external effects that may be associated with any proposed use will not adversely affect adjacent and neighboring lands and uses.

**Section 14.06 Project Phasing.**

Where a planned unit development (PUD) project is proposed to be constructed in phases, the project shall be so designed that each phase shall be complete in terms of the presence of services, construction, facilities, and open space, and shall contain the necessary components to ensure the health, safety and welfare of the users of the planned development, and the residents of the Township. If a project will be constructed in phases, the following shall apply:

1. A narrative description of the phased process that describes all work to be done in each phase shall be submitted to the Planning Commission.
2. A phase shall not be dependant upon subsequent phases for safe and convenient vehicular and pedestrian access, open spaces or recreation facilities. Each phase shall be designed to provide a proportional share of the common open space required for the entire project.
3. For PUD projects that include residential uses, a minimum of fifty percent (50%) of the total number of residential dwelling units shall be constructed and be ready for sale prior to the construction of any non-residential portion of the development.
  - a. Site grading, road construction, and infrastructure installations related to the non-residential portions of the PUD may be undertaken concurrent with the development of residential units.
  - b. The Planning Commission may authorize the early construction of non-residential uses upon determination that such construction is necessary for efficient development of the overall PUD project.

**Section 14.07 Conceptual PUD Plan Review.**

Applicants are encouraged to meet informally with the Zoning Administrator, other Township officials, or designated Township consultants to discuss a proposed development concept, site issues, application of Ordinance standards, and Township land development policies and procedures, prior to submitting plans for formal review.

1. **Planning Commission review.** Any person may also request that a conceptual PUD plan be placed on a regular Planning Commission meeting agenda as a discussion item for review and comment. The conceptual plan shall include the following minimum information:
  - a. **Ownership interest.** Declaration of all persons with an ownership interest in the land on which the PUD project will be located, including a description of the nature of each entity's interest (e.g. fee owner, option holder, lessee or land contract vendee).
  - b. **Proposed use.** The proposed use(s) of the PUD project, including the dwelling unit density of proposed residential uses, size and location of proposed open spaces, and gross floor area and land area of any non-residential uses.
  - c. **Circulation.** The vehicular and pedestrian circulation system planned for the proposed development, including the designation of any road(s) for private ownership or dedication to the public.
  - d. **Road layout.** The location of existing roads adjacent to the development, with details for the location and design of interior roads and access drives, and proposed connections to abutting roads.
  - e. **Structures and improvements.** The proposed layout of structures, parking areas, and other improvements.
  - f. **Drainage.** Site drainage showing topography and flow directions, including computations of flows into storm sewers or retention or detention areas;
  - g. **Natural features.** Specific locations and dimensions of wetland areas, wetland buffers, floodplain, and significant natural features such as tree stands, unusual slopes, streams and water drainage areas. The gross land area of all wetland areas and proposed open space dedications shall be provided.
2. **Comments not binding.** Comments and suggestions by the Township regarding a conceptual plan shall constitute neither an approval nor a disapproval of the plan, nor shall the Township be bound in any way by such comments or suggestions in preparing for formal submittal or review of a condominium site plan.

## Section 14.08 PUD Review Procedures.

This Section is intended to provide a consistent and uniform method for review of planned unit development (PUD) applications per the standards of this Ordinance. Approval of a PUD application shall require an amendment to the Zoning Ordinance to revise the official Zoning Map. PUD applications shall be subject to review and recommendation by the Planning Commission and approval by the Township Board in accordance with the following:

**A. Application Requirements.**

The application shall be submitted by the owner of an interest in land for which planned development approval is sought, or by the owner's duly designated agent. The PUD application and development plan shall be prepared in the manner specified in this Article.

The PUD application materials, required fees, and sufficient copies of the completed development plan shall be submitted to the Zoning Administrator for review. PUD applications or development plans that are found by the Zoning Administrator to be incomplete or inaccurate shall be returned to the applicant, and shall not be formally reviewed.

**B. Required Information.**

The following written documentation and graphical information shall be included as part of any PUD application submitted for review and recommendation by the Planning Commission, and authorization by the Township Board:

1. Documentation that the PUD application satisfies the standards of Section 14.03 (Eligibility Criteria).
2. Detailed descriptions and documentation for all proposed uses, per Section 14.04 (Use Standards). If the PUD will contain a residential component, a parallel plan shall be included, per Section 14.04B (Residential Use and Density).
3. Total site acreage and percent of total PUD project in various uses, including the proposed density of residential uses. If a density bonus is proposed, documentation shall be including indicating how the project meets the criteria listed in Section 14.04C (Exemplary Project Density Bonus).
4. Identification and descriptions of any proposed modifications from the standards of this Ordinance.
5. A detailed development plan, as applicable to the type of project proposed, shall be submitted by the applicant in accordance with the following:
  - a. A detailed site plan, per the requirements of Section 18.03 (Required Information for Site Plans).
  - b. A final preliminary plat in conformance with the Land Division Act (P.A. 288 of 1967, as amended).
  - c. A condominium subdivision plan as provided by Article 19 (Condominium Regulations) and the Condominium Act (P.A. 59 of 1978, as amended).
6. Depiction of proposed development phases and estimated schedule for completion, per Section 14.06 (Project Phasing).
7. Other data and graphics that will serve to further describe the proposed PUD, and any additional information required by the Zoning Administrator or Planning Commission to ensure complete and efficient review of the proposed development.



**C. Technical Review.**

Prior to Planning Commission consideration, the PUD application and development plan shall be distributed to appropriate Township officials and staff for review and comment. The Zoning Administrator may also submit the application and development plan to applicable outside agencies and designated Township consultants for review.

**D. Public Hearing.**

Upon receipt of a complete preliminary PUD submittal, a public hearing shall be scheduled and held before the Planning Commission in accordance with Section 12.03 (Public Hearing Procedures). The Planning Commission and Township Board may hold a joint public hearing on a PUD application.

The public hearing and notice required by this Section shall satisfy the public hearing and notice requirements of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) for amendment of the Zoning Ordinance.

**E. Planning Commission Recommendation.**

After the public hearing, the Planning Commission shall review the PUD application and development plan, together with any reports and recommendations from Township officials, consultants, and other reviewing agencies, along with any public comments. The Planning Commission shall make a determination based on the requirements of this Article and Ordinance, and shall submit a report on the public hearing and the Planning Commission's recommendation to the Township Board in accordance with the following:

1. **Tabling.** Upon determination by the Planning Commission that the PUD application or development plan is not sufficiently complete for consideration, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration and action on the PUD application and development plan until a later meeting.
2. **Recommendation of approval.** Upon determination that the PUD application and development plan conforms with the standards of this Article and Ordinance, the Planning Commission may recommend to the Township Board that the PUD application, development plan, and Zoning Map amendment be approved.
3. **Recommendation of approval subject to conditions.** The Planning Commission may recommend approval of a PUD application, development plan, and Zoning Map amendment to the Township Board, subject to reasonable conditions necessary to:
  - a. Ensure that public services and facilities affected by the proposed development will be capable of accommodating increased service loads caused by the development.
  - b. Protect the natural environment and conserve natural resources and energy.
  - c. Ensure compatibility with adjacent uses of land.

- d. Promote the use of land in a socially and economically desirable manner.
  - e. Protect the public health, safety, and welfare of the individuals in the development and those immediately adjacent, and the community as a whole.
  - f. Achieve the intent and purpose of this Article and Ordinance.
4. **Recommendation of denial.** Planning Commission shall recommend to the Township Board that the PUD application be denied upon determining that the PUD application or development plan:
- a. Fails to meet the PUD eligibility standards of Section 14.03 (Eligibility Criteria);
  - b. Fails to conform with specific provisions of this Article or Ordinance;
  - c. May be injurious to the public health, safety, welfare or orderly development of the Township; or
  - d. Is otherwise not in conformance with the intent of this Article.

A written record shall be provided to the applicant and the Township Board listing the reason(s) for such denial.

**F. County Review of the proposed PUD rezoning.**

The proposed Zoning Map amendment associated with the PUD application shall be subject to review and recommendation by the Gladwin County Planning Commission in accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended). Following Township Planning Commission action on the PUD application, the Zoning Administrator shall transmit a copy of the PUD application materials to the County Planning Commission, along with a copy of the public hearing record and Township Planning Commission recommendations.

**G. Preparation of a Development Agreement.**

Upon a recommendation of approval or approval with conditions by the Planning Commission, the applicant shall prepare a written agreement setting forth all conditions of approval of the PUD application, development plan, and Zoning Map amendment to ensure that the PUD project will conform with the standards of this Article and Ordinance.

- 1. **Review and recommendation.** The Township Attorney and Zoning Administrator shall review the proposed agreement, and may require revisions to the proposed agreement to ensure conformance with the standards of this Article and Ordinance. The Zoning Administrator may also submit the proposed agreement to applicable outside agencies and designated Township consultants for review.
- 2. **Minimum contents.** The agreement shall, at a minimum:
  - a. Incorporate by reference the final approved PUD plan.

- b. List all conditions of approval, as recommended by the Planning Commission.
- c. List the proposed use(s) of the PUD project, including the dwelling unit density of proposed residential uses, size and location of proposed open spaces, and gross floor area and land area of any non-residential uses.
- d. Provide the legal description of the entire project, and specify the gross and net land area of the PUD project and gross land area of all dedicated open spaces.
- e. Identify and describe all conservation easements, maintenance agreements, and dedications for open space, rights-of-way, utilities, and other infrastructure associated with the PUD.
- f. Detail a program and related financing mechanisms for maintaining common areas, pen space, and other site improvements, as shown on the approved PUD plan.
- g. Detail a program and related financing mechanisms for the construction and maintenance of all necessary roadways and infrastructure improvements required to serve the PUD project, as shown on the approved PUD plan.
- h. Verify that the site will be developed in strict conformance with the approved PUD plan and any conditions of approval, and that existing site features will be preserved as shown on the approved plan.
- i. Provide a detailed timeline for completion of all phases or components of the PUD project, as shown on the approved PUD plan.

#### **H. Township Board Authorization.**

Following review and recommendation of the PUD application by the Township and County Planning Commission, and review of the proposed PUD agreement by the Zoning Administrator and Township Attorney, the applicant shall submit sufficient copies of the PUD application, development plan, and agreement to the Township Board for review and final action. The Township Board shall review the PUD application and development plan, together with any reports and recommendations from Township officials, consultants, and other reviewing agencies, and any public comments from the public hearing record.

1. **Additional public hearing.** Upon receipt of the PUD application and Planning Commission recommendation, Township Board, solely at their option, may schedule and hold an additional public hearing.
2. **Determination.** The Township Board may approve, approve with modifications, or deny the PUD application, development plan, and Zoning Map amendment, or may refer the PUD application back to the Planning Commission for further consideration or revision. The applicant shall be notified of the Township Board's action in writing, which shall identify all findings relevant to the action.

**I. Effect of PUD Approval.**

Approval of a planned development application shall constitute an amendment to the Zoning Ordinance. The approved PUD plan, development agreement, and any conditions of approval, shall constitute an inseparable part of the zoning amendment, and all improvements and land uses shall conform with the approved PUD plan and agreement.

1. The Township Clerk shall designate the subject property on the Official Zoning Map as "PD# \_\_," using a sequential numbering system that identifies each PUD project.
2. The Township Clerk shall publish notice of the adoption of the Zoning Map amendment in accordance with the requirements set forth in the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended).
3. The applicant shall record the approved PUD agreement with the Gladwin County Register of Deeds Office, and shall provide proof of recording and a copy of the recorded documents to the Township.

**J. Outside Agency Permits or Approvals.**

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to the start of development or construction on the site.

**K. Construction Plans.**

Where detailed construction or engineering plans are required by the Township, Gladwin County or other agency with jurisdiction, the applicant shall submit a copy of such plans to the Zoning Administrator for review. The Zoning Administrator or designated Township consultants shall verify that the site design and improvements shown on the construction or engineering plans are consistent with the approved PUD plan and agreement, except for changes that do not materially alter the approved site design, or that address any conditions of approval.

Construction or engineering plans that are determined by the Zoning Administrator to be inconsistent with the approved PUD plan and agreement shall be subject to review and approval as an amendment to the approved PUD, per Section 14.11 (Amendments), prior to the start of development or construction on the site.

**Section 14.09 Appeals.**

The Zoning Board of Appeals shall have no authority to consider any appeal of a decision by Township Board or Planning Commission concerning a planned development application.

**Section 14.10 Amendments.**

Amendments to an approved PUD shall be subject to the following:

1. **Minor amendments.** The following amendments to an approved PUD plan shall be considered minor amendments, which shall be subject to review and approval by the Planning Commission:
  - a. Substituting landscape materials, provided a nurseryman or landscape architect certifies that the substituted species is of a similar nature or quality.
  - b. Limited alterations to the location or design of exterior light fixtures, signage, fencing, accessory structures, and similar site improvements, provided that the design and location are consistent with the overall site design and the requirements of this Ordinance.
  - c. Similar changes that, in the determination of the Planning Commission, will not adversely impact the overall PUD site design, intensity of proposed uses, general configuration of buildings and uses on the site, demand for public services or intent of this Article.
2. **Other amendments.** All other amendments to an approved PUD shall be subject to review and approval in accordance with the procedures specified in this Article for approval of a new PUD application.

### **Section 14.11 Expiration of PUD Approval.**

If construction has not commenced within two (2) years of final PUD approval by the Township Board, all PUD approvals become null and void and a new PUD application shall be required to continue the project. Upon written request received prior to the expiration date, Township Board may grant one (1) extension of up to 365 calendar days, provided that the approved PUD plan remains in conformance with the intent and eligibility requirements of this Article, and adequately represents current conditions on and surrounding the site.

### **Section 14.12 Fees and Performance Guarantees.**

Fees for the review of a conceptual, preliminary or final planned unit development submittal shall be in accordance with the schedule of fees adopted by resolution of the Township Board and Section 1.09 (Fees and Performance Guarantees). The applicant shall reimburse the Township for any outstanding review costs and fees, prior to PUD approval. Performance guarantees may be required for all public and common improvements in single- and multi-phased developments, in accordance with Section 1.09 (Fees and Performance Guarantees). Costs estimates for completing such improvements shall be made or verified by the Township Engineer.

### **Section 14.13 Compliance Required.**

No construction, grading, tree removal, topsoil stripping or other site improvements or alterations shall take place, and no permits shall be issued for development on a zoning lot under petition for PUD approval until the requirements of this Article have been met.

Any violation of the approved PUD plan or agreement shall be considered a violation of this Ordinance, which shall be subject to enforcement action and penalties as described in this Ordinance.

### **Section 14.14 Rescinding Approval of a PUD.**

Approval of a planned development may be rescinded by the Township Board upon determination that the approved PUD plan or PUD agreement have been violated, or that the site has not been improved, constructed or maintained in compliance with approved permits, approved PUD plan or PUD agreement. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held by the Township Board in accordance with the procedures set forth in Section 12.03 (Public Hearing Procedures), at which time the developer of the PUD project, the owner of an interest in land for which PUD approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Township Board with regard to the rescission shall be made and written notification provided to the developer, owner or designated agent.



**ARTICLE 15  
RESERVED**





## **ARTICLE 16 NONCONFORMITIES**

### **Section 16.01 Intent and Purpose.**

It is recognized that there exists within the districts established by this Ordinance lots, structures, sites and uses which were lawful prior to the effective date of adoption or amendment of this Ordinance, but that would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. Such uses are declared to be incompatible with permitted uses in the districts involved. It is the intent of this Ordinance to permit such nonconformities to continue until they are removed, but not to encourage their survival. This Article is hereby established to:

1. Regulate the use and development of nonconforming lots, the completion, alteration and reconstruction of nonconforming structures, the re-development and improvement of nonconforming sites, and the maintenance, extension and substitution of nonconforming uses.
2. Specify the limited conditions and circumstances under which nonconformities shall be permitted to continue.
3. Establish standards for determining whether a use is nonconforming, and whether a nonconforming use has ceased to occupy a particular zoning lot.
4. Recognize that certain nonconformities may not have a significant adverse impact upon nearby properties, or the public health, safety and welfare. Accordingly, this Article establishes a "preferred class" of nonconforming uses, which distinguishes between nonconforming uses that are not desirable and should be eliminated as rapidly as possible, and those that may be perpetuated and improved in a manner that protects adjacent properties and the character of the district.

### **Section 16.02 Nonconforming Structures.**

Nonconforming structures shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following conditions:

#### **A. Expansion Restricted.**

A nonconforming structure may be altered in a manner that does not increase or intensify its nonconformity. Alterations to a nonconforming structure that would increase or intensify a nonconformity shall be prohibited, except as follows:

1. The roof of a nonconforming structure may be altered in design, pitch, materials, or structural elements, subject to the following:

- a. No increase in the structure's wall height shall be permitted, and the altered structure's height conforms to all requirements of this Ordinance.
  - b. The roof alteration shall not result in any increase in the structure's habitable living space or number of floors. Any additional interior volume created by the roof alteration shall be limited to incidental storage.
2. Expansion of a nonconforming structure that would add or expand an upper floor or habitable area without expanding the structure's ground floor area (i.e. within the existing building footprint) shall be permitted, subject to the following:
    - a. Increases in structure height for any part of a nonconforming structure located within a required yard setback area shall be prohibited.
    - b. The expansion shall conform to all setbacks, height, and other requirements of this Ordinance.
  3. A nonconforming structure may be expanded with an addition that increases the ground floor area of the structure, provided that the addition conforms to all setbacks, height, and other requirements of this Ordinance.
  4. A nonconforming structure may be improved with a new foundation or basement, subject to the following:
    - a. The structure may be lifted straight up off its existing supports to allow for construction of a new foundation or basement under the existing structure, but shall not otherwise be moved within the lot.
    - b. A nonconforming structure that is moved, temporarily or permanently, from its original location shall thereafter be required to conform to all setbacks, height, and other requirements of this Ordinance.
  5. Such expansions or alterations shall be subject to site plan or special use approval in accordance with Article 12.0 (Procedures and Standards) where required by this Ordinance.

**B. Normal Repairs and Maintenance.**

This Article shall not prevent work required for compliance with the provisions of the State Construction Code, as enforced by Gladwin County. Normal repair, maintenance or replacement of interior non-bearing walls, fixtures, wiring, plumbing or heating and cooling systems in nonconforming structures may be permitted in accordance with applicable code requirements, provided that such improvements do not result in an enlargement of a nonconforming structure, and provided that the cost of such improvements does not exceed the state equalized value of the property at the time such work is proposed.

**C. Buildings under Construction.**

Nothing in this Article shall require a change in the plans, construction or designated use of any building or structure for which construction was lawfully begun prior to the

effective date of adoption or amendment of this Ordinance and diligently carried on until completion.

**D. Damaged or Unsafe Structures.**

Nonconforming structures that are damaged or destroyed by any means to an extent that the repair cost exceeds the state equalized value of the property shall not be restored, repaired or rebuilt except in conformance with the standards of this Ordinance. Nonconforming structures that have been condemned or otherwise declared unsafe or uninhabitable shall not thereafter be restored, repaired or rebuilt.

Nonconforming single-family dwellings and customary accessory structures shall be exempt from this Section, provided that application for a building permit shall be made within 365 days from the date of damage or destruction.

**Section 16.03 Nonconforming Lots.**

Existing lots of record that are not in compliance with the dimensional requirements of this Ordinance shall only be used, developed, or improved in accordance with the following:

**A. Lot Division and Combination.**

A lot of record shall not be divided in a manner that would increase its nonconformity, cause an existing structure or site improvement to become nonconforming, or create one or more nonconforming lots. Where possible, nonconforming lots of record shall be combined to create lots that comply with the dimensional requirements of this Ordinance.

**B. Use of Nonconforming Lots.**

Use of a nonconforming lot of record shall be subject to the regulations of this Ordinance for the district where it is located, and the following:

1. **Single-Family Residential (R-1) District.** A single-family dwelling and customary accessory structures may be erected on any existing lot of record in the R-1 (Single-Family Residential) District that is nonconforming with respect to minimum lot area or lot width requirements. Such structures shall conform with all other dimensional standards for the district.
2. **Contiguous lots.** Two (2) or more contiguous, nonconforming lots of record with continuous frontage under single ownership shall be considered an undivided parcel for purposes of this Ordinance. No portion of said parcel that does not meet lot width and area requirements of this Ordinance shall be used or occupied, nor shall any division be made which leaves remaining any lot with width or area below Ordinance requirements.

**Section 16.04 Nonconforming Sites.**

The purpose of this Section is to encourage improvements to existing sites in the Township that were developed before the site design standards of this Ordinance were established or

amended. This Section establishes standards for prioritizing improvements to existing sites that are intended to gradually bring the site into compliance with current Ordinance standards. Nonconforming sites may be improved or modified without a complete upgrade of all site elements, subject to the following conditions:

1. A nonconforming site shall not be improved or modified in a manner that increases its nonconformity.
2. The proposed site improvements shall resolve public safety deficiencies, including and fire code and State Construction Code violations, emergency access, and pedestrian/vehicle conflicts.
3. The proposed site improvements shall address at least two (2) of the standards specified in Section 12.01P (Standards for Site Plan Approval).
4. The scope of any additional site improvements requested by the Planning Commission shall be in reasonable proportion to the scale and construction cost of proposed building improvements, expansions or other improvements.
5. A reasonable timeline for completion of site improvements to an existing nonconforming site may be approved as part of any plan approval. Failure to complete improvements in accordance with an approved timeline shall be deemed a violation of this Ordinance.

### **Section 16.05 Nonconforming Uses.**

All nonconforming uses that have been designated as "preferred class" by Township action shall not be subject to the requirements of this Section, but rather shall be subject to the provisions of Section 16.06 (Preferred Class Designations). Nonconforming uses not designated as "preferred class" shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following:

#### **A. Compliance with Other Applicable Standards.**

Nonconforming uses shall be maintained in compliance with all applicable federal, state, and local laws, ordinances, regulations and codes, other than the specific use regulations for the zoning district where the use is located.

1. The owner, operator or person having beneficial use of land or structures occupied by a nonconforming use shall be responsible for demonstrating compliance with this requirement.
2. Failure to do so, or failure to bring the use into compliance with current laws, ordinances, regulations and codes within 180 days of their effective date, shall constitute grounds for the Township to seek court approval to terminate or remove the use at the owner's expense.

**B. Expansion Prohibited.**

Nonconforming uses shall not be enlarged, increased in intensity, extended to occupy a greater area of land or floor area, or moved in whole or in part to any other portion of the lot or structure.

**C. Cessation.**

A nonconforming use that ceases for a period of more than 365 calendar days or is superseded by a conforming use shall not be resumed. If a structure associated with a nonconforming use is removed, or damaged by any means to an extent that the repair cost exceeds the state equalized value of the property, the nonconformity shall be deemed removed. All subsequent uses shall conform to the use provisions of this Ordinance.

**Section 16.06 Preferred Class Designations.**

It is the intent of this Section to establish a "preferred class" designation that the Planning Commission may approve for certain nonconforming uses, subject to the following:

**A. Procedure.**

The procedure for considering all preferred class nonconforming designations shall be as follows:

- a. **Application.** Applications for consideration of a preferred class designation for a nonconforming use may be initiated by the owner, operator or person having beneficial use of the lot occupied by the nonconforming use. The application shall include a detailed description of the use, and the reasons for the request.
- b. **Public hearing.** A public hearing shall be held for all requests for a preferred class nonconforming designation in accordance with the procedures set forth in Section 12.03 (Public Hearing Procedures).

**B. Conditions for Approval of a Preferred Class Designation.**

Subsequent to a public hearing, the Planning Commission may grant a preferred class designation upon finding that all of the following conditions exist:

1. **Use standards.**
  - a. The nonconformity does not significantly depress the value of nearby properties.
  - b. The use does not adversely impact the public health, safety, and welfare.
  - c. The use does not adversely impact the purpose of the district where it is located.

- d. No useful purpose would be served by the strict application of requirements for such a nonconformity under this Ordinance.
2. **Signage.** The Planning Commission may require that signage associated with the use be brought into compliance with Article 9 (Signs).
3. **Plan for site improvements.** The Planning Commission may require that a site plan be submitted for review that addresses the site improvement priorities listed in Section 16.04 (Nonconforming Sites).
4. **Other conditions.** The Planning Commission may attach conditions to the approval to assure that the use does not become contrary to the purpose of this Article and Ordinance, or the public health, safety and welfare.

**C. Effect of Approval of a Preferred Class Designation.**

Preferred class nonconformities shall be permitted to be perpetuated and expanded in accordance with an approved site plan, subject to the provisions of this Section and any conditions of approval. Preferred class nonconforming structures shall be permitted to be perpetuated, expanded, improved or rebuilt if damaged or destroyed in accordance with an approved site plan, subject to the provisions of this Section and any conditions of approval.

**D. Effect of Denial of a Preferred Class Designation.**

An application for a preferred class designation that has been denied by the Planning Commission may not be appealed to the Zoning Board of Appeals, but may be resubmitted for Planning Commission consideration after a minimum of 365 calendar days have elapsed from the date of denial.

**E. Cessation of Preferred Class Nonconforming Uses.**

The preferred class designation shall be deemed removed when the primary structure occupied by a preferred class nonconforming use is permanently removed, or when a preferred class nonconforming use is replaced by a conforming use. All subsequent uses shall conform to the use provisions of this Ordinance.

**F. Rescinding Approval of a Preferred Class Designation.**

Failure of the owner, operator or person having beneficial use of a lot occupied by a preferred class nonconforming use to maintain or improve the site in accordance with the provisions of this Section, an approved site plan, or any conditions of approval shall be grounds for the Planning Commission to rescind the preferred class designation. Such action shall be subject to the following.

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 12.03 (Public Hearing Procedures), at which time the owner, operator or person having beneficial use occupied by a preferred class nonconforming use shall be given an opportunity to present evidence in opposition to rescission.

2. **Determination.** Subsequent to the hearing, the decision of the Commission with regard to the rescinding of approval shall be made, and written notification provided to said owner, operator or person having beneficial use occupied by a preferred class nonconforming use.

**G. Existing Dwellings in Non-Residential Districts.**

Single-family dwellings so existing and used in non-residential zoning districts before the effective date of adoption or amendment of this Ordinance, are hereby designated as preferred class nonconforming uses. Such dwellings and accessory structures may be used, repaired, expanded, altered or replaced if destroyed, subject to the following conditions:

1. Use, repair, expansion, alteration, or replacement of the dwelling or accessory structures shall conform with all applicable lot, yard and setbacks requirements for the R-1 (Single Family Residential) District.
2. The use, dwelling and accessory structures shall be maintained in conformance with all other applicable federal, state, and local laws, ordinances, regulations and codes.

**Section 16.07 Nonconforming Use Determinations.**

This Section is intended to provide reasonable standards for determining whether a use is nonconforming, and whether a nonconforming use has been removed, discontinued or otherwise ceased to occupy the land or structure in question. When there is a question or dispute about the status of a particular use, such determinations shall be made by the Zoning Board of Appeals, subject to the following:

**A. Standards for Determining that a Use is Nonconforming.**

The Zoning Board of Appeals shall determine that a use is nonconforming upon finding that the following three (3) statements are true:

1. **The use does not conform with the purpose and use regulations of the district where it is located.**
2. **The use is in compliance with all other applicable federal, state, and local laws, ordinances, regulations and codes.**
3. **Evidence from a minimum of three (3) of the following sources demonstrates that the use was lawfully established prior to the effective date of adoption or amendment of this Ordinance:**
  - a. Local, county or state government files or records, including but not limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.



- b. Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number.
- c. Utility records, including but not limited to providers of water, sewer, electric, natural gas or telecommunications service.
- d. Dated advertising or other information published in a newspaper or magazine including but not limited to advertisements, articles, features or photographs that address the use of the land in question.
- e. Dated aerial photos from the State of Michigan, Gladwin County or other sources accepted by the Zoning Board of Appeals.
- f. Other relevant information, including but not limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.

**B. Standards for Determining that a Nonconforming Use has Ceased.**

The Zoning Board of Appeals shall determine that a nonconforming use has been removed, discontinued or otherwise ceased to occupy the land or structure in question upon finding that a minimum of three (3) of the following six (6) statements are true:

- 1. **Local, county or state government files or records show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.
- 2. **Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number, show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to entries that show the address associated with the use as vacant or occupied by another use, or show the telephone number associated with the use as disconnected or in use at another location.
- 3. **Utility records, including, but not limited to providers of water, sewer, electric, natural gas or telecommunications service, show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to records indicating that the address of the use is vacant or occupied by another use, the utility service associated with the use has been disconnected or the business, organization or individual associated with the use has moved to another location.
- 4. **Dated advertising or other information published in a newspaper or magazine show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to advertisements, articles, features or photographs that address the use of the land in question.

5. **Dated aerial photos from State of Michigan, Gladwin County or other sources as accepted by the Zoning Board of Appeals show that the nonconforming use has ceased.**
6. **Other relevant information shows that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.

### **Section 16.08 Unlawful Uses.**

Any use that is not a conforming use in the district where it is located, or determined to be a nonconforming use, shall be considered an unlawful use established in violation of this Ordinance.

### **Section 16.09 Change of Tenancy or Ownership.**

There may be a change of tenancy, ownership or management of any existing nonconforming lot, structure, site or use, provided that there is no change in the nature or character of the nonconformity.

### **Section 16.10 Cessation of Nonconformities by Township Action.**

The elimination of nonconforming structures and uses shall be considered to be for a public purpose and for a public use. The Township may acquire private property by purchase, condemnation, or other means for the removal of nonconforming uses. The cost of acquiring the private property may be paid from general funds or assessed to a special district, as provided in the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended). The Township Board may institute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with applicable Michigan statutes.



## **ARTICLE 17**

### **ZONING BOARD OF APPEALS**

#### **Section 17.01 Authority.**

The Zoning Board of Appeals (ZBA) is hereby established, which shall perform its duties as provided for in this Ordinance and the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) in such a way that the objectives of this Ordinance shall be served, public health, safety and welfare protected, and substantial justice done.

#### **Section 17.02 Membership.**

The Zoning Board of Appeals shall consist of five (5) members and up to two (2) alternates appointed by the Township Board for three (3) year terms. Vacancies shall be filled for the remainder of the un-expired term by resolution of the Township Board. ZBA membership shall be subject to the following:

1. One (1) member shall be a member of the Planning Commission. The remaining four (4) members shall be selected from electors of the Township residing outside of incorporated cities and villages. One (1) member may be a member of the Township Board, provided that an elected officer shall not serve as Chair of the ZBA.
2. An employee or contractor of the Township shall not serve as a member of the ZBA.
3. Members of the ZBA may be removed from office for neglect of duty or malfeasance in office, including failure of a member with a conflict of interest to abstain from deliberations or voting on the matter, after written charges have been filed with the Township Clerk and a public hearing has been held by Township Board.
4. In the event a ZBA member is elected to Township Board and such election increases the number of Township Board members serving on the ZBA to more than one (1), then such member's seat on the ZBA shall be deemed vacant.
5. Alternate members may be called on a rotating basis to sit as members of the Zoning Board of Appeals in the absence of regular members. An alternate member may also be called on to serve in the place of a ZBA member, with the same voting rights, for the purpose of reaching a decision on a case in which the member has abstained because of a conflict of interest.

#### **Section 17.03 Rules of Procedure.**

The Zoning Board of Appeals shall conduct business, organize meetings, and perform its duties as provided for in this Ordinance, the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), any rules of procedure adopted by the ZBA, and the following:

1. The Board shall elect a Chair and Vice-Chair from the regular ZBA membership.
2. The ZBA shall not conduct business unless a majority of its members are present. All meetings shall be open to the public, and shall be held at the call of the Chair and at such other times as the ZBA may determine.
3. The concurring vote of a minimum of three (3) members of the ZBA shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body; to grant a dimensional (non-use) variance from any standard of this Zoning Ordinance; and to decide in favor of an applicant on any other matter upon which the ZBA is required to act. The concurring vote of a minimum of two-thirds (2/3) of the members of the ZBA [a minimum of four (4) members of a five (5) member board] shall be necessary to grant a use variance from this Ordinance.
4. The Zoning Board of Appeals shall make no determination on a specific case until after a public hearing has been held in accordance with Section 12.03 (Public Hearing Procedures). Each decision shall include a written record of the specific findings and determinations made by the ZBA in the case. No permit authorized by such a decision shall be issued until the decision has taken effect.
5. The ZBA shall return a decision on a case within 90 days after a request or appeal has been filed, unless a further time is agreed upon by the parties concerned.
6. Minutes shall be recorded of all proceedings, which shall contain evidence and data relevant to each case considered, together with the votes of the members and the final disposition of each case. Such minutes shall be filed with the Township Clerk and Zoning Administrator.
7. The Township Attorney shall act as legal counsel for the ZBA, and shall be present at meetings as requested by the Chair.
8. A member shall abstain from participating in a public hearing or voting on any question in which he or she has a conflict of interest. A ZBA member who is also a Township Board or Planning Commission member shall abstain from participating in a public hearing or voting on the same matter that the member previously voted on as a member of that other board or commission. The member may consider and vote on other unrelated matters involving the same property. Failure of a member to abstain in such cases shall constitute malfeasance of office.
9. Any person aggrieved by a decision of the Board of Appeals in a particular case shall have the right to appeal to the Circuit Court on question of law and fact. The appeal shall be filed within 30 calendar days after the Board of Appeals issues its written decision, signed by the Chair or acting Chair; or within 21 calendar days after the Board of Appeals approves the minutes of its decision.

### **Section 17.04 Applications.**

Applications to the Zoning Board of Appeals shall be filed with the Township, with payment of

the review fee established by Township Board. At a minimum, applications shall include the following:

1. The applicant's name, address, and contact information; and the address and location of the property involved in the request.
2. Zoning classification of the subject parcel(s) and all abutting parcels.
3. A plot plan of the site, drawn to scale with a north-arrow, showing all lot lines, street rights-of-way, easements, structures, setback dimensions, parking areas, driveways, sidewalks and other site improvements.
4. A letter from the applicant stating the reasons for the request, and addressing the applicable review criteria specified in this Article for the type of request.
5. Any additional information deemed necessary by the ZBA to make a determination on the issue in question.

### **Section 17.05 Administrative Appeals.**

The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error of principle in any order, requirement, decision or determination made by the person or body charged with administration or enforcement of the Zoning Ordinance. Consideration of administrative appeals shall be subject to the following:

#### **A. Standing to Appeal.**

Such appeals may be taken to the ZBA by the person, firm or corporation aggrieved, or by an official, department, board or commission of the Township affected by the order, requirement, decision or determination. Applications for administrative appeals shall be filed with the Township within 21 calendar days of the order, requirement, decision or determination.

#### **B. Stay of Proceedings.**

An appeal shall stay all administrative or enforcement proceedings associated with the appeal, unless the Zoning Administrator certifies to the ZBA that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.

#### **C. Review Criteria for Administrative Appeals.**

The ZBA shall reverse an administrative decision only upon determining that the order, requirement, decision or determination:

1. Constituted an abuse of discretion;
2. Was arbitrary or capricious;
3. Was based upon an erroneous finding of a material fact; or
4. Was based upon an erroneous interpretation of the Zoning Ordinance.

After making such a determination, the ZBA may reverse or modify the order,

requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as, in its determination, ought to be made under the provisions of this Ordinance. In doing so, the ZBA shall exercise all authority granted by this Ordinance to the person or body from whom the appeal is taken.

### **Section 17.06 Interpretation of Zoning District Boundaries.**

Where an ambiguity exists as to zoning district boundaries, the Zoning Board of Appeals shall have the power to interpret the Zoning Map in such a way as to carry out the intents and purposes of the Billings Township Zoning Ordinance and Master Plan. The following rules shall apply to such interpretations:

1. Boundaries indicated as approximately following the centerlines of roads, watercourses, lot lines, or municipal boundaries shall be construed to follow such lines.
2. Boundaries indicated as following railroad lines or utility easements shall be construed to be midway between the main tracks, or along the centerline of such easements.
3. Boundaries that parallel or are extensions of features indicated in this Section shall be so construed.
4. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.
5. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, the ZBA shall interpret the district boundaries.

### **Section 17.07 Interpretation of Zoning Ordinance Provisions.**

#### **A. Interpretations.**

The Zoning Board of Appeals shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and carry out the intent and purpose of this Ordinance and the Township Master Plan.

#### **B. Determinations of Similar Uses.**

In recognition that every potential use cannot be addressed in this Ordinance, the ZBA shall have the authority to determine whether a proposed use not listed in this Ordinance is similar to a principal or special condition use permitted by this Ordinance, subject to the following:

1. Prior to making such a determination, the ZBA must find that the principal or special condition use closely resembles the proposed use in terms of characteristics, intensity, nature and other applicable common elements of such uses.

2. The ZBA may determine that the use is (or is not) similar to a use listed in this Ordinance, or may recommend to the Township Board that the proposed use be addressed through an amendment to this Ordinance.
3. If it is determined that there is no similar use listed in this Ordinance, the use shall be prohibited.
4. If it is determined that the proposed use is similar to a use listed in this Ordinance, the proposed use shall comply with any conditions or special condition use standards that apply to the listed use.
5. The ZBA may impose additional conditions or limitations upon the proposed use necessary to satisfy the intent and purposes of this Ordinance, to protect the health, safety, or welfare, or to preserve the social and economic well-being of adjacent residents and landowners, or the Township as a whole.

### **Section 17.08 Variances.**

The Zoning Board of Appeals shall have the authority to grant variances from specific requirements of this Ordinance in accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) and the provisions of this Article. The ZBA shall state the grounds for the granting or denying of a variance, and may consider lesser variances than that requested by an applicant. In granting a variance, the ZBA may impose conditions or limitations as it may deem reasonable in furtherance of the intent and purposes of this Ordinance.

#### **A. Dimensional Variances.**

The granting of a variance from particular area, setback, frontage, height, bulk, density or other dimensional (non-use) standards of this Ordinance shall require a finding of practical difficulties, based upon the following criteria:

1. Strict compliance with the specified dimensional standards will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose.
2. The variance will do substantial justice to the applicant, as well as to other property owners, and a lesser variance than requested will not give substantial relief to the applicant or be consistent with justice to other property owners.
3. The need for the variance is due to unique circumstances peculiar to the land or structures involved, that are not applicable to other land or structures in the same district.
4. The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors.
5. The variance will not cause significant adverse impacts to adjacent properties, the neighborhood or the Township, and will not create a public nuisance or materially impair public health, safety, comfort, morals or welfare.



6. The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, or an inability to attain a higher financial return.

**B. Use Variances.**

In accordance with Section 604(9) of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), the ZBA retains the authority to consider use variances. The granting of a variance from the use provisions of this Ordinance shall require a finding of unnecessary hardship, based upon the following criteria:

1. **The current zoning ordinance prohibits the property owner from securing any reasonable economic return or making any reasonable use of the property.** Under this standard, the ZBA must find that the property (land, structures and other improvements) is not suitable for uses permitted in the zoning district.
2. **The landowner's plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions.** Circumstances common to the larger neighborhood may reflect the unreasonableness of the zoning itself, which should be addressed through a rezoning or other legislative action.
3. **The use variance, if granted, would not alter the essential character of the neighborhood.** This standard requires consideration of whether the intent and purpose of the Ordinance and zoning district will be preserved, and the essential character of the area will be maintained.
4. **The hardship is not the result of the applicant's actions.** Under this standard, the ZBA must determine that the hardship that led to the use variance request was not self-created by the applicant. Purchase of a property with a pre-existing hardship does not constitute a self-created hardship. Financial hardships that would prevent reasonable use of the property shall be considered, but shall not be the only determining factor in granting a use variance.

**Section 17.09 Exceptions.**

To hear and decide requests for exceptions and other matters upon which this Ordinance specifically authorizes the Zoning Board of Appeals to act. Any exception shall be subject to such conditions as the ZBA may require to preserve and promote the purpose of this Ordinance, and the character of the zoning district in question.

**Section 17.10 Limitations of Authority.**

The following specific limitations shall apply to the authority of the ZBA:

**A. Expiration of Approval.**

No order of the ZBA permitting the erection or alteration of a structure, or use of a structure or land, shall be valid for a period longer than 365 days, unless a building

permit for such erection or alteration is obtained within such period, or the use is lawfully established within such period.

**B. Limitations on Review.**

The ZBA shall not have the authority to consider appeals of any decisions by the Planning Commission or Township Board regarding amendments to this Ordinance, special uses, preferred class nonconforming designations, or planned developments. ZBA jurisdiction to consider appeals of site plan determinations shall be limited to the following:

1. Appeals of administrative decisions of the Planning Commission regarding approval or denial of site plans.
2. Cases referred by the Planning Commission, where the Planning Commission has approved a site plan contingent upon approval of one or more variances by the ZBA. In such cases, the Township Clerk and Zoning Administrator shall provide copies of the site plan, application materials and Planning Commission meeting minutes to the ZBA, and consideration shall be limited to the specific variances identified as conditions of site plan approval by the Planning Commission.

**C. Ordinance Changes Prohibited.**

The ZBA shall not have the authority to alter this Zoning Ordinance or Map.



## **ARTICLE 18 DEFINITIONS**

### **Section 18.01 Rules of Construction.**

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

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary; the word "may" is permissive and discretionary.
4. Words used in the present tense shall include the future; words used in the singular number shall include the plural; and words used in the plural shall include the singular, unless the context clearly indicates the contrary.
5. The word "building" includes the word "structure." The word "build" includes the words "erect" and "construct." A "building" or "structure" includes any part thereof.
6. The word "dwelling" includes "residence." The word "lot" includes the words "plot" and "parcel."
7. The term "act" or "action" includes "omission to act."
8. The word "used" includes "arranged," "designed," "intended," or "occupied."
9. The terms "Zoning Ordinance" or "this Ordinance" includes the Zoning Ordinance of Billings Township and any amendments thereto.
10. The terms "abutting" or "adjacent to" includes land across a zoning or governmental boundary, property line, street, alley, dedicated right-of-way or access easement.
11. The phrase "such as" shall mean "such as but not limited to," and the words "include" or "including" shall mean "including but not limited to."
12. The word "person" includes an individual, firm, association, organization, corporation (public or private), partnership or co-partnership, limited liability company, incorporated or unincorporated association, trust or any other entity recognizable as a "person" under the laws of Michigan.

13. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions or provisions connected by one of the following conjunctions, the conjunction shall be interpreted as follows:
  - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
  - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
14. Words or terms defined in this Article shall be construed as defined herein. Words or terms not defined in this Article shall be defined in terms of their common or customary usage.
15. Terms referred to in the masculine gender include the feminine.
16. Unless otherwise stated, the word "days" shall mean calendar days; "month" shall mean any consecutive period of 30 calendar days; and "year" shall mean any consecutive period of 365 calendar days.

### **Section 18.02 Definitions.**

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

1. **Access Drive.** A private street designed to provide vehicular access from a public road.
2. **Access Management.** A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for lots adjacent to, and across from, one another; and the promotion of alternatives to direct access.
3. **Access, Reasonable.** A property owner's legal right, incident to property ownership, to access a public road right-of-way. Reasonable access may be indirect and certain turning movements may be prohibited for improved safety and traffic operations.
4. **Adult Day Care Facility.** A facility which provides daytime care for any part of a day but less than 24 hours for functionally impaired elderly persons through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home.
5. **Adult Foster Care Facility.** An establishment that provides supervision, personal care, and protection in addition to room and board, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation for adults over 18 years of age. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled or

physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care.

These facilities may be licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers or residential center for persons released from or assigned to a correctional facility. Adult foster care facilities are classified as follows:

- a. **Adult Foster Care Congregate Facility.** An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.
  - b. **Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.
  - c. **Adult Foster Care Large Group Home.** An adult foster care facility with approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.
  - d. **Adult Foster Care Family Home.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for 24 hours a day for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee is a member of the household and occupant of the residence.
6. **Adult Entertainment Uses.** Adult entertainment uses shall be as defined in the Billings Township Adult Entertainment Business Ordinance (Ord. No. 03-08-99-2), and any amending or superceding ordinance.
  7. **Alley.** A right-of-way that affords only a secondary means of access to adjacent land.
  8. **Alterations.**
    - a. **Structural.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of the construction of structural parts, means of egress or supporting members of a building, such as bearing walls, columns, beams, girders, roof or exterior walls.
    - b. **Building.** A change, addition or modification to; or enlargement or rearrangement of the type of occupancy, height, area, location, design or approved method of functioning.
    - c. **Sign.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of any part of any sign, including the sign copy area.

9. **Animal, Wild or Exotic.** Any animal not domesticated by humans or any animal that a person is prohibited from possessing by law. Wild or exotic animals shall include, but shall not be limited to, the following: alligator and crocodile (family); deer (family); opossum (family); badger; wild dog or wolf (family); primate excluding humans (family); bear; raccoon; ferret; skunk; wild cat (family); lemur; spider (poisonous); coyote; lizard, snake, and other reptile (poisonous); weasel (family); wild boar or swine (family); and marten.
10. **Appeal.** An entreaty or petition for a hearing or review of facts or actions in connection with the public enforcement of this Ordinance.
11. **Awning.** Any overhead protective structure that is constructed in such a manner as to allow pedestrians or vehicles to pass under.
12. **Basement.** That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling.
- 12a. **Bay Window.** A large window or series of windows projecting from the outer wall of a building without external bracing.
13. **Bed and Breakfast Inn.** A dwelling in which overnight accommodations are provided or offered for transient guests for compensation as an accessory use, including provisions for a morning meal for overnight guests only.
14. **Bedroom.** A room in a dwelling used for or intended to be used solely for sleeping purposes by human beings.
15. **Berm.** A mound of soil graded, shaped and improved with landscaping in such a fashion so as to be utilized for screening purposes.
- 15a. **Biofuel.** A renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including but not limited to ethanol and bio-diesel; and not including methane or any other fuel product from an anaerobic digester.
- 15b. **Boathouse.** An accessory structure with direct access to a lake, river, or canal that is used or intended exclusively for the storage or sheltering of one (1) or more boats and associated equipment (also see **Waterfront Structures**).
16. **Brewpub.** A restaurant or tavern (as defined within this Ordinance) licensed by the State of Michigan to produce and manufacture not more than 5,000 barrels of beer per calendar year in Michigan, and sell at retail on the premises the beer produced and manufactured for consumption on or off the premises, as provided for in MCLA 436.31b and 436.31c.
17. **Building.** A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, materials, equipment or similar items. This shall include tents, awnings or vehicles situated on private land and used for purposes of a building.
  - a. **Accessory Structure.** A structure or portion of a principal building, subordinate to and on the same premises as the principal building(s) and use(s), the use of which is incidental to, customarily associated with, and

- subordinate to that of the principal building and use. Accessory structures shall include garages, garden equipment sheds, small greenhouses and swimming pools.
- b. **Principal Building.** A building in which is conducted the principal use of the lot on which said building is situated.
  - c. **Building Setback or Building Line.** The line which pertains to and defines those minimum (building) setback lines which are established parallel to the front road or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided in this Ordinance. Such line, when adjacent to a building, is normally formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjoining ground.
18. **Caliper.** The diameter of a tree trunk measured 18 inches above the ground level. The caliper of a multiple-trunk tree is determined by the full caliper of the largest trunk plus half the caliper of the other trunks.
19. **Canopy Tree.** A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purposes of a canopy tree are to provide shade to adjacent ground areas and to enhance aesthetics.
- 19a. **Carport.** A partially open accessory structure and shelter for housing of one (1) or more motor or recreational vehicles.
20. **Cemetery.** Land used or intended to be used for burial of the human dead and dedicated for such purpose.
21. **Child Care Organization.** A governmental or nongovernmental organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. These facilities care for children under the age of eighteen (18) years of age, and are licensed and regulated by the State under Public Act 116 of 1973, as amended or Public Act 218 of 1979, as amended, and the associated rules promulgated by the State Department of Consumer and Industry Services. Such care organizations are classified below:
- a. **Child Day Care Center.** A facility, other than a private residence, receiving one (1) or more preschool or school age children for group day 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 (2) consecutive weeks, regardless of the number of hours of care per day. This facility is also described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, 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 organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.



- b. **Child Caring Institution.** A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in a building maintained for that propose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools or an adult foster care facility in which a child has been placed.
  - c. **Family Child Day Care Home.** A private home, as licensed by the State of Michigan, in which up to six (6) minor children are received for care and supervision for periods of less than twenty four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption.
  - d. **Foster Family Home.** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage or adoption, are given care and supervision for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
  - e. **Foster Family Group Home.** A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
  - f. **Group Child Day Care Home.** A private home, as licensed by the State of Michigan, in which up to twelve (12) children are given care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage or adoption.
22. **Church, Temple, Place of Worship or Religious Institution.** A type of institutional use or site used for the regular assembly of persons, for the conducting of religious services, and for related accessory uses, including offices and living quarters for church ministry and other members of the religious order who carry out their duties primarily on the site, religious education classes, day care and limited recreation facilities. Rescue missions, tent revivals and other temporary assemblies are not included in this definition.
23. **Class C Liquor License Establishment.** A Class C Liquor establishment shall mean any place licensed by the State of Michigan Liquor Control Commission to sell at retail beer, wine, and spirits for consumption on the premises.

24. **Clinic.** Offices for one or more health practitioners engaged in treating the sick or injured on an outpatient basis.
25. **Civic Club.** A type of institutional use or organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit. See also **Lodge**.
26. **Cocktail Lounge or Night Club.** An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where more than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and similar mechanical amusement devices.
27. **Commercial Vehicle.** Any one of a class of vehicles and similar vehicles whose characteristics are described below which have or require commercial license plates and have a gross vehicle weight in excess of 6,500 pounds. Any commercially licensed vehicle that does not possess the characteristics of a commercial vehicle, as defined below, shall not be subject to the restrictions applying to commercial vehicles.
  - a. **Semi-trailer.** A trailer unit customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone, including trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies and full or partial box-type enclosures, any of which above units exceeds twelve (12) feet in height.
  - b. **Truck Tractor.** A commercial vehicle capable of attaching to and propelling semi-trailers, mobile homes, modular homes, boat trailers and similar units, and which is not customarily operated without an attached trailer.
  - c. **Other Commercial Vehicles.** Any truck or motor vehicle with a cab and chassis with a stake, rack, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof by more than eight (8) inches. This shall include any vehicle which has a commercial license plate and which is designed to accommodate a body length in excess of nine (9) feet. This term does not include motor homes or recreational vehicles, but does include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, and similar vehicles.
28. **Common Land.** A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners or occupants of individual building units in a subdivision or a planned unit development.

29. **Common Open Space.** An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners and occupants, and generally owned and maintained in common.
30. **Condominium.** A condominium is a system of separate ownership of individual units or multiple-unit projects according to the state Condominium Act (Public Act 59 of 1978, as amended). In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.
- a. **Convertible Area.** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act (Public Act 59 of 1978, as amended).
  - b. **General Common Element.** The common elements other than the limited common elements intended for the common use of all co-owners.
  - c. **Limited Common Element.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
  - d. **Site Condominium.** All allocation or division of land permitted under the Condominium Act (Public Act 59 of 1978, as amended), which permits single family detached housing pursuant to a master deed.
  - e. **Site Condominium Project.** A condominium project designed to function in a similar manner or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.
  - f. **Condominium Subdivision Plan.** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of the Condominium Act (Public Act 59 of 1978, as amended).
  - g. **Site Condominium Lot.** The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio. Condominium setbacks shall be measured as described below:

- (1) **Front Yard Setback.** The distance between the public road right-of-way or private road easement line and the foundation of the unit site. Where there is no public right-of-way or access easement, the front yard setback required in the district shall equal two hundred percent (200%) of the minimum required setback for the zoning district, and shall be measured from the nearest pavement edge to the foundation of the unit.
  - (2) **Side Yard Setback.** The distance between the side of a condominium building unit and the side unit (lot) line. Where no unit (lot) lines are provided, the distance between the closest points of two (2) units shall be double the side yard setback required in the zoning district.
  - (3) **Rear Yard Setback.** The perimeter shall be the distance between the limit of the development and the rear of the unit; within the development rear yards setbacks shall be measured as the distance between the rear building line and the rear site (lot) line or where lot lines are not defined, the space between the rear building lines of two (2) buildings shall be double the rear yard setback required in the zoning district.
- h. **Condominium Master Deed.** The condominium document recording the condominium project as approved by the Township, including attached exhibits, and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan.
  - i. **Condominium Unit.** The portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit or any other type of use.
  - j. **Contractible Condominium.** A condominium project from which any portion of the submitted land or building may be withdrawn per provisions of the condominium documents, this Ordinance, and the Condominium Act.
  - k. **Condominium Conversion.** A condominium project containing condominium units that were occupied before the establishment of the condominium project.
  - l. **Expandable Condominium.** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
31. **Congregate Living Dwelling.** A building or portion thereof containing living units designed for occupancy by senior citizens living independently of each

other, except that cooking, kitchen, and dining accommodations are provided in a central area and not located within the individual living units.

- a. **Congregate Living Units.** Individual areas within a given congregate living dwelling that provides an enclosed living environment for self-maintenance activities, such as sleeping, grooming, bathing, and toiletry. Each living unit may be permanently occupied by no more than two (2) persons.
32. **Conservation Easement.** A legal agreement in which the landowner retains ownership of private property, but conveys certain specifically identified rights to a land conservation organization or a public body.
33. **Convalescent or Nursing Home.** A home for the care of two (2) or more children, the aged or infirm persons suffering serious or chronic bodily disorders, which may be licensed under applicable state laws.
34. **Core Living Area.** The minimum area of a dwelling not separated or divided by structural support walls between building sections or components that is necessary to provide complete, independent living, sleeping, cooking, eating, storage, and sanitation facilities for one (1) family in compliance with the requirements of this Ordinance.
35. **Corner Clearance Area.** A triangular area, formed at an intersection of road rights-of-way by a straight line drawn from one right-of-way line to the other at points set a specific distance from the intersection point.
36. **Cul-de-Sac.** A dead-end public or private road that terminates in a circular or semicircular section of road that allows for vehicle turnaround.
37. **Deceleration Lane.** An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.
38. **Deck.** A platform, commonly constructed of wood, which is typically attached to a dwelling unit, and which is typically used for outdoor leisure activities.
39. **Demolition.** An act or process which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.
40. **Density.** The number of dwelling units per net acre of land.
41. **Detention basin.** A facility designed for holding stormwater runoff for a limited period before releasing it to a natural watercourse.
42. **Development.** The construction of new structures or other site improvements on a zoning lot; relocation, alteration or expansion of an existing building; or the use of open land for a new use.

43. **Diameter Breast Height (D.B.H.).** The diameter of a tree measured in inches at four and one-half (4½) feet above the existing ground level.
44. **District.** A portion of the Billings Township within which certain uses of land or buildings are permitted and within which certain regulations and requirements apply under this Ordinance. This term is synonymous with the term "zoning district."
45. **Drive-In Establishments.** A business establishment that provides facilities or spaces for the purpose of serving patrons in or momentarily stepped away from their motor vehicles, to facilitate consumption within motor vehicles.
46. **Drive-Through Lanes or Establishments** Facilities or spaces for the purpose of serving patrons from a window or booth while in their motor vehicles, rather than within a structure, to facilitate consumption within motor vehicles.
47. **Driveways.** A hard-surfaced access connecting parking space for motor vehicles with a road or alley, and permitting ingress and egress of a motor vehicle.
48. **Dumpster Enclosure.** Any exterior space that secures or screens containers, structures or other receptacles intended for temporary storage of solid waste materials.
49. **Dwelling.** A residential unit providing complete, independent living facilities for one (1) family, including permanent living, sleeping, cooking, eating, and sanitation facilities.
  - a. **Apartment.** A suite of rooms or a room in a multiple-family or commercial building arranged and intended as a place of residence for one (1) family or a group of individuals living together as a single housekeeping unit.
  - b. **Accessory Apartment.** A dwelling for one (1) family located within a principal building occupied by a permitted use in the district, with separate and individual kitchen, bath and toilet facilities, and a separate and distinct private entrance (i.e. "mother-in-law" apartment).
  - c. **Efficiency Apartment.** A dwelling unit with a bathroom and principal kitchen facilities designed as a self contained unit for living, cooking, and sleeping purposes, and having no separate designated bedroom.
  - d. **Attached Dwelling.** A dwelling unit attached to one (1) or more dwelling units by common major structural elements.
  - e. **Detached Dwelling.** A dwelling unit that is not attached to any other dwelling unit by any means.

- f. **Manufactured Dwelling.** 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.
  - (2) The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities.
  - (3) The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.
- g. **Manufactured Home.** A type of manufactured housing structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered manufactured homes for the purposes of this Ordinance.
- h. **Modular Dwelling.** A dwelling which consists of prefabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat-bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport.
- i. **Multiple Family Building.** A building divided into apartments, townhouses or stacked flats and designed for residential occupancy by three (3) or more families and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for three (3) or more families.
- j. **Site Built Dwelling.** A dwelling unit that is substantially built, constructed, assembled, and finished on the lot intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of precut materials, and paneled wall, roof and floor sections where such sections require substantial on-site assembly and finishing.
- k. **Single-Family Dwelling.** A building designed exclusively for residential occupancy by not more than one (1) family.
- l. **Stacked Flats Building.** A building occupied by three (3) or more families, where dwellings are divided by party walls in the horizontal plane and floor-ceiling assemblies in the vertical plane. Each dwelling

- unit is capable of individual use and maintenance, and access, utilities, and service facilities are independent for each dwelling.
- m. **Townhouse.** A dwelling in a multiple-family building that is divided from the dwelling adjacent to it by a party wall extending the full height of the building. Each townhouse dwelling shall be capable of individual use and maintenance, and access, utilities, and service facilities shall be independent for each dwelling.
- n. **Two-Family (Duplex) Dwelling.** A building designed exclusively for residential occupancy by two (2) families, where dwellings are divided by party walls in the horizontal plane or floor-ceiling assemblies in the vertical plane.
50. **Easement.** A grant of one (1) or more of the property rights by a property owner to or for use by the public or another person or entity.
- a. **Easement, Ingress/Egress.** The right to use a specific portion or path across property to enter (ingress) and leave (egress) another parcel of land.
51. **Erect.** To build, construct, reconstruct, move, attach, hang, place, suspend, affix, paint or undertake any physical operation on the premises required for development of a building, sign, site or structure; including, but not limited to construction, grading, excavations, fill, and drainage activities.
52. **Essential Services.** The erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems or collection, communication, supply or disposal systems therewith that are reasonably necessary for the furnishing of adequate service for the general health, safety and welfare.
- a. Poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants or similar equipment and accessories associated with an essential service shall be considered essential services under this Ordinance.
- b. Wireless communication towers or antennas, utility buildings and storage yards shall not be considered essential services under this Ordinance.
53. **Estate Sale.** The sale of used personal property belonging to the occupants of a residential dwelling and conducted on the residential lot to liquidate an estate.
54. **Excavation.** The removal, movement or breaking of ground, soil, gravel, stone or fill dirt, except common household gardening, farming, and general ground care of a residential or agricultural character.
55. **Exception.** An exclusion from the normal Zoning Ordinance rules and regulations allowed by the Zoning Board of Appeals under certain conditions.



56. **Exterior Architectural Feature.** The architectural style, design, general arrangement, and components of all of the outer surfaces of a structure, as distinguished from the interior surfaces enclosed by such outer surfaces. Such exterior architectural feature shall include, by way of example but not by limitation, the kind, color, texture of the building material and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such structure, such as cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.
57. **Facade.** The vertical plane of the exterior surface of a building, including all visible architectural, decorative, and structural features.
58. **Family.** Means either of the following:
- a. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity (blood), marriage, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
  - b. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond that constitutes the functional equivalent of the bonds that render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Zoning Administrator in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by appeal of the Zoning Administrator's determination to the Zoning Board of Appeals, subject to the standards of this Ordinance for such appeals.
59. **Farming and Active Agricultural Uses.**
- a. **Farm.** The land, buildings, and machinery used in the commercial production of farm products.
    - (1) Farms shall not include establishments for keeping or raising fur-bearing animals, private stables, commercial dog kennels, livestock production facilities, greenhouses or stockyards, except where such ANIMAL AND AGRICULTURAL USES are permitted by this Ordinance.

- (2) A farm permitted by this Ordinance is not intended nor implied to permit storage or use of the site for trucking, equipment, vehicle repairs or sales, contractor yards, stump removal or processing, snow removal businesses, lawn maintenance businesses or any other activities other than those ANIMAL AND AGRICULTURAL USES permitted by this Ordinance or incidental to the active agricultural use.
  - (3) A farm shall not include any establishment for the cultivation of medical marijuana as authorized by the Michigan Medical Marihuana Act.
- b. **Farm Buildings.** Any structure, other than a dwelling, which is constructed, maintained, and used on a farm, and which is essential and customarily used for agricultural operations.
  - c. **Farm Products.** Plants and animals useful to human beings produced by agriculture, including forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, equine, fish and other aquacultural products, apiaries and products from keeping of bees, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms and similar products, or other product which incorporates the use of food, feed, fiber or fur as determined under the Right to Farm Act.  
  
Medical marijuana, as defined in this Section and the Michigan Medical Marihuana Act, is not a "farm product" as defined by this Ordinance.
  - d. **Livestock or Farm Animals.** Animals used for human food and fiber or animals used for service to humans, including cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Farm animals do not include companion animals, such as dogs and cats, which are capable of being trained and adapting to living in a human environment.
  - e. **Livestock Production Facility.** The concentrated feeding of farm animals within a confined area or feedlot, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other livestock or fur-bearing animals.
60. **Fence.** Linear structures or partitions of definite height and location erected upon or near the dividing line between adjoining owners intended to serve as: a physical barrier to ingress or egress; a screen from objectionable vista or noise; a marker; an enclosure in carrying out the requirements of this Ordinance; or for decorative use.
- a. **Chain-link fence.** A fence constructed of galvanized steel or similar materials as approved by the Zoning Administrator for the purpose of enclosing or securing an area.

- b. **Ornamental fence.** A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood or similar materials fabricated into a design with specific pattern elements or ornamentation, and which does not block vision to an extent greater than fifty percent (50%). Ornamental fences shall not include chain-link or wire fences or fences of similar construction.
  - c. **Privacy fence.** A fence constructed of wood, vinyl or similar materials that blocks vision to an extent greater than fifty percent (50%) for the purpose of obscuring or screening an area from public view.
  - d. **Rail fence.** A fence constructed of wood, vinyl or similar materials and consisting of one (1) to four (4) horizontal rails connecting to vertical posts spaced a minimum of six (6) feet apart, and which does not block vision to an extent greater than fifty percent (50%).
  - e. **Temporary fence.** A fence constructed of canvas, plastic, chain-link, wood or similar material for the purpose of enclosing or securing an area for a limited period of time; for securing a construction site against unauthorized access; or for public safety at a special event.
61. **Filling.** Filling shall mean the depositing or dumping of ground, soil, gravel, stone or fill dirt, except common household gardening, farming, and general ground care of a residential or agricultural character.
62. **Floodplain.** Any land area susceptible to being inundated by floodwaters when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels. Determinants of a floodplain are as follows:
- a. That area which typically is adjacent to a river, stream, or other body of water, and is subject to flooding from a 100 year base flood.
  - b. Principal estuary courses of wetland areas that are part of the river flow system.
  - c. Contiguous areas paralleling a river, stream, or other body of water that exhibit unstable soil conditions for development.
63. **Floor Area.** The sum total of the area of all buildings on a site excluding utility rooms and mechanical rooms, measured between the outer perimeter walls of the buildings, provided that space in a structure used for parking of motor vehicles shall not be computed in the floor area.
- a. **Gross Floor Area (GFA).** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, not including any basements, utility rooms, breezeways, unfinished attics, porches or attached garages.

- b. **Residential Floor Area.** The sum of the horizontal areas of each story of the dwelling, as measured from the exterior faces of the exterior walls or from the centerline of walls separating dwellings units. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, or porches.
  - c. **Usable Floor Area (UFA).** That portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or to customers, patrons, clients or patients, including areas occupied by fixtures or equipment used for the display or sale of goods or merchandise, but not including areas used or intended to be used for the storage of merchandise, utility or mechanical equipment rooms or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more.
64. **Frontage.** A linear measurement of the lot line(s) abutting a road right-of-way, as measured along the right-of-way line, or at the front yard setback line for lots on cul-de-sacs.
65. **Garage Sale.** The sale of used tangible personal property and household personal belongings of the householder, conducted on an individual lot occupied by the householder's dwelling; and not for the sale, display or trading of manufactured or processed goods or articles of commerce obtained either new or used for the purpose of sale or resale.
66. **Garage, Private.** An accessory structure that is used for storage and maintenance of occupant-owned motor vehicles as an accessory use.
67. **Garbage.** Refuse, accumulation of all waste, animal, fish, fowl, fruit or vegetable matter incident to the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit and vegetables; including spoiled food, dead animals, animal manure and fowl manure.
68. **Garden Center.** An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies, landscaping materials, and equipment.
69. **Grade.** A reference plane representing the average of the finished ground level adjoining the building at all exterior walls established for the purpose of regulating the number of stories and the height of buildings. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
- a. **Grade, Average.** The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a structure.

- b. **Grade, Finished.** The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.
  - c. **Grade, Natural.** The elevation of the ground surface in its natural state, before construction begins.
70. **Greenbelt.** A strip of land, not less than five (5) feet in width, which is planted with trees or shrubs in compliance with the requirements of this Ordinance.
71. **Height.** The vertical distance measured from the grade of the building to the top of the highest roof beams of a flat roof, to the deck line for mansard roofs and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average grade of the terrace at the building wall. When a building faces on more than one road, the height shall be measured from the average of the grades at the center of each road front.
72. **Hazardous Materials.** Pursuant to the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended), "hazardous substance" shall include one (1) or more of the following, but not including fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that are applied to the land for an agricultural use or for use as an animal feed, if the use is consistent with generally accepted agricultural management practices developed pursuant to the Michigan Right to Farm Act (P.A. 93 of 1981, as amended):
- a. Any substance that is demonstrated, on a case by case basis, to pose an unacceptable risk to the public health, safety, welfare, or the environment, considering the fate of the material, dose-response toxicity, or adverse impact on natural resources.
  - b. "Hazardous substance" as defined in the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510, 94 Stat. 2767).
  - c. "Hazardous waste" as defined in the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).
  - d. "Petroleum" as defined in the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).
73. **Home Occupation:** Any business, occupation or activity undertaken for compensation within a dwelling unit that is incidental and secondary to the use of the structure as a dwelling unit.
- a. **Hobby.** An incidental activity carried on by the occupant of the premises for personal enjoyment, amusement or recreation, where the articles produced or constructed are not sold and the activity is not obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.

- b. **Home Office.** An activity by the occupant of the premises within a dwelling unit that is incidental and secondary to the use of the structure as dwelling unit, in which work for compensation may include receiving or initiating telephone calls, mail, facsimiles or electronic-mail; preparing or maintaining business records; word or data processing; and similar activities.
- 74. **Hospital.** An institution providing in-patient or out-patient medical or surgical care for the acutely sick or injured, who are generally confined for relatively short periods of time, plus such accessory uses as laboratories, educational facilities, food services, and staff offices.
- 75. **Hotel.** One or more buildings containing individual living or sleeping units primarily designed as temporary quarters for transient guests.
- 76. **Improvements.** Those features and actions associated with a project which are considered necessary to protect natural resources or the health, safety and welfare of the residents of the Township, and future users or inhabitants of the proposed project or project area; including parking areas, landscaping, roadways, lighting, utilities, screening, and drainage. Improvements do not include the entire project subject to zoning approval.
- 77. **Institutional Uses.** The following specific uses of an educational, social, or religious character, as defined or used in this Ordinance:
  - a. Public and private elementary and secondary schools, business schools or private schools operated for profit, and institutions for higher education.
  - b. Auditoriums, theaters, concert halls, and similar places of assembly.
  - c. Libraries, museums, and similar centers for cultural activities.
  - d. Churches, temples, and other places of worship.
  - e. Post offices.
  - f. Private clubs, fraternal organizations, and lodge halls.
- 78. **Junk Yard or Motor Vehicle Storage or Dismantling Yard.** An open area where waste, used or secondhand material is bought and sold, exchanged, stored, baled, packed, disassembled or handled including but not limited to scrap iron and other metals, paper rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings. The term "junk yard" does not include drop-off stations for residential recyclables.
- 79. **Junk.** Any motor vehicle, machinery, appliance, product, merchandise with parts missing, scrap metal or other scrap material that is damaged, deteriorated

or in a condition which cannot be used for the purpose for which the product was manufactured.

80. **Kennel.** Any building, lot or premises where four (4) or more dogs or cats over twelve (12) weeks of age are kept, or any structure, lot or premises where animals are kept or housed for remuneration. This definition shall not include premises used for residential purposes, where the occupant keeps personal pets.
81. **Laboratory.** A facility devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.
82. **Landfill.** A tract of land that is used to collect and dispose of "solid waste" as defined and regulated under the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).
83. **Lighting.** The following definitions are related to lighting:
  - a. **Fixture.** The assembly that holds the lamp in a lighting system. The Fixture includes the elements designed to give light output control, such as a reflector, lens, ballast, housing, and attachments.
  - b. **Floodlight.** A fixture or lamp designed to direct light over a broad area.
  - c. **Footcandle.** Illuminance produced on a surface one (1) foot from a uniform point source of one (1) candela, or when one (1) lumen is distributed into an area of one (1) square foot.
  - d. **Fully Shielded Fixture.** An outdoor lighting fixture shielded or constructed so that all light emitted is projected onto the site and away from adjoining properties. Light from a fully shielded fixture is not visible from adjoining properties, and does not cause glare or interfere with the vision of motorists.
  - e. **Glare.** An intense and blinding light that results in reduced visual performance and visibility, and is often accompanied by discomfort.
  - f. **Lamp or Bulb.** The source of electric light (to be distinguished from the whole assembly, which is called the luminaire). "Lamp" is often used to denote the bulb and its housing.
    - (1) **High Pressure Sodium (HPS) Lamp.** High-intensity discharge lamp where radiation is produced from sodium vapor at relatively high partial pressures.
    - (2) **Incandescent or Tungsten-Halogen Lamp.** A lamp that produces light by a filament heated to a high temperature by electric current.

- (3) **Low Pressure Sodium (LPS) Lamp.** A discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure.
- (4) **Mercury Vapor Lamp.** A high-intensity discharge lamp where the light is produced by radiation from mercury vapor.
- (5) **Metal Halide Lamp.** A high-intensity discharge lamp where the light is produced by radiation from metal-halide vapors.
- g. **Laser Source Light.** An intense beam of light, in which all photons share the same wavelength.
- h. **Light Trespass.** Light falling where it is not wanted or needed (also called spill light).
- i. **Lumen.** Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One (1) footcandle is equal to one (1) lumen per square foot. One lux is one lumen per square meter.
- j. **Luminaire.** The complete lighting unit, including the lamp, fixture, and other parts.
- k. **Non-essential Lighting.** Outdoor lighting that is not required for safety or security purposes.
- l. **Recessed Fixture.** An outdoor lighting fixture recessed into a structure so that the bottom of the fixture is flush with the ceiling or underside of the structure.
- 84. **Loading Space.** An off-road space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
- 85. **Lodge.** An association of persons meeting regularly for their mutual benefit or for the promotion of some common purpose, supported jointly through payment of membership dues, all members having the right to vote on club policies and business.
- 86. **Lot.** A parcel of land consisting of one (1) or more lots of record occupied or intended to be occupied by a principal building or use and any accessory structures, and having frontage upon a public or private road.
  - a. **Backlot.** An area of land owned in common with an adjacent waterfront lot, but separated by a road right-of-way or similar access easement. The backlot may be part of one (1) lot of record bisected by a road right-of-way or similar access easement, or a separate lot of record under common ownership with the adjacent waterfront lot.



- b. **Corner Lot.** A lot located at the intersection of two (2) roads or a lot bounded on two (2) sides by a curving road, where any two (2) chords of which form an angle of 135 degrees or less.
  - c. **Double Frontage or Through Lot.** A lot other than a corner lot having frontage on two (2) more or less parallel roads.
  - d. **Interior Lot.** A lot other than a corner lot with only one (1) lot line fronting on a road.
  - e. **Vacant Lot.** An undeveloped lot; or a lot which has not been improved with a principal building or dwelling.
  - f. **Zoning Lot.** A parcel or tract of land under single ownership or control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, access, and open space as required herein. "Single ownership" may include ownership by an individual, a corporation, a partnership, an incorporated association, joint tenancy, or any similar entity. A zoning lot may consist of any one of the following:
    - (1) Single lot of record.
    - (2) Portion of a lot of record.
    - (3) Combination of lots of record, or portion(s) thereof.
    - (4) Condominium lot.
    - (5) Parcel or tract of land described by metes and bounds.
87. **Lot Area.**
- a. **Gross Lot Area.** The total area of land contained within the boundaries of a zoning lot, including rights-of-way, easements, floodplains, wetlands and waterbodies.
  - b. **Net Lot Area.** Gross lot area minus any portions of the zoning lot located within dedicated rights-of-way, drainage easements or bodies of water.
88. **Lot Depth.** The mean horizontal distance measured from the front road right-of-way line to the rear lot line.
89. **Lot Line.** Any line dividing one lot from another lot or from a road right-of-way or from any public place. Specifically:
- a. **Front Lot Line.** The line separating a lot from a road right-of-way.
    - (1) In the case of a private road that does not have a dedicated right-of-way, this line shall be parallel to and 33 feet back from the centerline of the pavement.

- (2) Where lots border upon waterbodies, the front lot line shall be designated as that line fronting on the water.
  - (3) On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the street from which access is obtained
- b. **Rear Lot Line.** The boundary that is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
  - c. **Side Lot Line.** Any lot line not a front lot line or a rear lot line.
- 90. **Lot Of Record.** A parcel of land, the dimensions of which are shown on a subdivision plat recorded in the offices of the Gladwin County Register of Deeds and Township Assessor, or a lot or parcel described by metes and bounds, and accuracy of which is attended to by a land surveyor registered and licensed in the State of Michigan and is recorded with the Gladwin County Register of Deeds and the Township Assessor.
  - 91. **Lot Split or Consolidation.** The dividing or uniting of lots by virtue of changes in the deeds in the office of the Gladwin County Register of Deeds and the Township Assessor.
  - 92. **Lot Width.** The horizontal distance between the side lot lines, measured at the two (2) points where the building line or setback line intersects the side lot lines.
  - 93. **Major Road.** An arterial road which is intended to serve as a large volume traffic-way for both the immediate municipal area and the region beyond, and is designated as a major road in the Billings Township Master Plan.
  - 94. **Manufactured Home.** A structure, transportable in one (1) or more sections, which is built on a non-motorized chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home shall not include modular homes, motor homes, house trailer, trailer coach or travel trailers.
    - a. **Manufactured Home, HUD-Code.** A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 CFR § 3282.8(g).

- b. **Manufactured Home Site.** An area within a mobile home park that is designated for the exclusive use of a specific mobile home.
95. **Manufactured Housing Park.** A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, road, equipment or facility used or intended for use incident to the occupancy of a manufactured or mobile home, subject to the rules and requirements of the Mobile Home Commission Act, Public Act 96, of 1987, as amended (MCLA 139.2301 et seq.) and the Manufactured Housing Commission General Rules.
96. **Marina, Public.** An establishment owned by a public agency, that provides docking and mooring services. A public marina may also include accessory uses for the provision of boats and for developed open space.
97. **Marina, Commercial.** A business that provides boat repair services, provisions and supplies for boats and boaters, and services for boat owners, such as repair or storage of boat lifts, boat docks, and so forth.
98. **Marine Storage.** A business that provides storage for boats, trailers, pontoons, watercraft, boat lifts, and docks.
99. **Marquee.** A structure of a permanent nature projecting from the wall of a building.
100. **Massage Therapist.** An individual specifically trained and licensed or certified in therapeutic massage by the American Massage and Therapy Association, International Myomassethics Federation or successor organizations.
- a. **Therapeutic Massage.** A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer's body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tapping, pounding or vibrating.
101. **Master Plan.** The comprehensive plan of Billings Township, including graphic and written text indicating the Township's development goals and objectives, planned future use of all land within the Billings Township, general location for roads, parks, schools, public buildings, and all physical development, and any portion or amendment to such plan. Such plans shall have been adopted by the Planning Commission, and may or may not be adopted by Township Board.
102. **Mechanical Amusement Arcade.** Coin-operated amusement machine or device establishments shall be defined as a place of business that has in operation an excess of five (5) coin-operated machines or devices.
- a. **Mechanical Amusement Device.** A pinball machine, video game, ski-ball machine, air-hockey machine, motion picture machine, shuffleboard,

miniature pool table or any other similar machine, instrument or contrivance which may be operated or set in motion upon the insertion of a coin or under normal use is designed to have a coin; however, in lieu of said coin, the proprietor charges a flat rate to use said device.

102a. **Medical Marijuana.**

- a. **Marijuana.** This Ordinance uses the more common spelling of the equivalent term, "**marihuana**," as used in the Michigan Medical Marihuana Act.
- b. **Medical Marijuana.** As defined and used in the Michigan Medical Marihuana Act.
- c. **Medical Marijuana Caregiver.** A person who has agreed to assist with a patient's medical use of marijuana, has been issued a registry identification card, and otherwise meets the definition of a "registered primary caregiver" under the Michigan Medical Marihuana Act.
- d. **Medical Marijuana Dispensary.** More than one (1) caregiver, patient or any combination thereof operating from a single location with the intent to cultivate, dispense, sell, store, transfer, keep or otherwise provide medical marijuana to or between qualifying patients. The term dispensary shall also include compassion center or club, cooperative, collective, provisioning center, and distribution center for medical marijuana. Medical marijuana dispensaries are a prohibited use in the Township, per Section 2.202 (Prohibited Uses).
- e. **Michigan Medical Marihuana Act.** Initiated Law 1 of 2008 [MCL 333.26421 et seq.], proposed and enacted by a vote of the citizens of Michigan in November 2008 under the "initiative" process established in the Michigan Constitution. The intent of this Act is to create a legal exception for registered patients to use medical marijuana to help with a debilitating condition or its symptoms, and a legal exception for registered caregivers to cultivate and distribute medical marijuana to patients for their personal use.
- f. **Qualifying Patient.** A person who has been diagnosed by a physician as having a debilitating medical condition and has been issued a registry identification card and who otherwise meets the definition of "registered qualifying patient" under the Michigan Medical Marihuana Act. Activities of a qualifying patient conducted entirely within the patient's primary dwelling and in strict accordance with the Michigan Medical Marihuana Act shall be considered an incidental residential use of the building for purposes of this Ordinance.

103. **Mezzanine.** An intermediate or fractional story between the floor and ceiling of any story occupying not more than one-third (1/3) of the floor area of such story.

104. **Microbrewery.** A brewer licensed by the State of Michigan that produces and manufactures in total less than thirty-thousand (30,000) barrels of beer per year, and who may sell at the licensed brewery premises the beer produced and manufactured to consumers for consumption on or off the licensed brewery premises. In determining the thirty-thousand (30,000) barrel threshold, all brands and labels of a brewer, whether brewed in this state or outside this state, shall be combined and all facilities for the production and manufacture of beer that are owned or controlled by the person(s) shall be treated as a single facility.
105. **Mining.** The development or extraction of one or more minerals, including topsoil, sand and gravel, from its natural occurrence on or in land or waters. The term mining shall not apply to on-site activities of a fully permitted and lawful construction project.
106. **Mixed Use.** A structure or project containing residential and nonresidential uses.
107. **Motor Home (Trailer Coach).** A self-propelled motorized vehicular unit primarily designed, used or constructed for travel or recreational usage, and duly licensable as such, which vehicular unit also contains facilities for cooking and for overnight lodging for one (1) or more persons. "Motor home" does not include "mobile home."
108. **Natural Area.** A land area or body of water which is generally not occupied by structures, roads, or other manmade elements, and which contains flora, fauna, biotic, geologic or other similar features having scenic, educational, or scientific value to residents. An area may be considered "natural" even though excavation, filling or other similar activity may have previously occurred.
109. **Natural Resources.** Natural resources include land, soils, wetlands, floodplains, surface and ground water, topography, trees and other types of vegetative cover, subsurface strata, geologic formations, animal life, and naturally occurring substances and living organisms that can be useful to people. Natural resources are of two types; renewable (e.g., plants and trees) and nonrenewable (e.g., mineral resources). Natural resources may also be referred to as "natural features" in this Ordinance.
110. **New Construction.** Structures for which the "start of construction" commenced on or after the effective date of this Ordinance.
111. **Noise.** Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
- a. **A-weighted sound level.** The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read may be designated dB(A).
- b. **Day-night average sound level.** The 24 hour energy average of the A-weighted sound pressure level, with the levels during the period of

10:00 p.m. to 7:00 a.m. the following day increased by ten (10) dB(A) before averaging.

- c. **Emergency.** Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.
- d. **Impulsive sound.** Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and discharge of firearms.
- e. **Noise disturbance.** Any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.
- f. **Noise sensitive zone.** An area which contains noise-sensitive activities such as but not limited to, operations of school libraries, churches, hospitals, and nursing homes.
- g. **Pure tone.** Any sound that can be distinctly heard as a single pitch, or a set of single pitches.
- h. **Sound.** An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.
- i. **Sound level.** The weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network (for the purposes of this ordinance an A-weighted network), as specified by the *American National Standards Institute*.
- j. **Vibration.** An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

112. **Nonconformities:**

- a. **Cease.** To terminate, abandon or discontinue a use of land for a period of time that, under the provisions of this Ordinance, would prevent the use from being resumed.
- b. **Nonconforming Lot.** A platted or unplatted parcel of land lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located.
- c. **Nonconforming Sign.** See **Signs**.

- d. **Nonconforming Site.** A parcel of land that was developed or improved with structures and other site improvements prior to the date of adoption of current Ordinance provisions for site design, landscaping, pedestrian access, exterior lighting, paving and other site elements.
  - e. **Nonconforming Structure.** A structure or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located, but is otherwise in compliance with all other applicable federal, state, county and Township laws ordinances, regulations and codes.
  - f. **Nonconforming Use Of Land.** A use that lawfully occupied a parcel of land or structure and land in combination at the effective date of this Ordinance or amendments thereto that does not conform to the use regulations of the district in which it is located or does not have special use approval, where provisions of this Ordinance require such approval, but is otherwise in compliance with all other applicable federal, state, county and Township laws ordinances, and regulations.
  - g. **Preferred Class Nonconforming Designation.** A nonconforming structure or use of land that has been designated by the Planning Commission to be allowed to be perpetuated and improved in accordance with the provisions of this Ordinance and an approved site plan.
  - h. **Unlawful Structure.** A structure or portion thereof, which is not a conforming or a nonconforming structure or is not in compliance with all applicable federal, state, county and Township laws ordinances, regulations and codes.
  - i. **Unlawful Use Of Land.** A use that occupies one or more contiguous parcels of land or structures and land in combination, which is not a conforming or a nonconforming use or is not in compliance with all applicable federal, state, county and Township laws ordinances, regulations and codes.
113. **Noxious.** An element creating an impact that may interfere with the enjoyment and use of property, including smoke, odors, noise, vibration, glare or heat.
114. **Nuisance.** Any offensive, annoying, unpleasant or obnoxious object 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 prevents the free use of one's property or renders its normal use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts that give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.
115. **Nursery.** A space, 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 within the meaning of this Ordinance does not include any space, structure used for the sale of fruits, vegetables or Christmas trees.

116. **Obscene Material.** As defined in the State of Michigan Public Act 343 of 1984; any "material" [as defined in MCL752.362.2(4), as amended] found to be "obscene" [as defined in MCL752.362.2(5), as amended].
117. **Occupancy or Occupied.** The purpose for which a building or part thereof is used or intended to be used. The term "occupied" includes "arranged," "designed," "built," "altered," "converted to," "rented," "leased" or "intended to be inhabited."
118. **Occupancy Load.** The maximum capacity of a structure or building space, expressed in the number of individuals normally permitted to occupy the structure or building space.
119. **Open Air Business.** Any business that is conducted primarily out-of-doors. Unless otherwise specified by this Ordinance, "open air business" shall include:
- a. Retail sales of garden supplies and equipment, including but not limited to trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.
  - b. Roadside stands for the sale of agricultural products.
  - c. Various commercial outdoor recreation uses, including, but not limited to tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.
  - d. Outdoor display and sale of garages, swimming pools, playground equipment, and uses.
120. **Open Space.** All land within a development that has been set aside as common land, under public or private ownership or control, for recreation, conservation, agricultural uses, preservation in an undeveloped state or similar use.
121. **Outdoor Sales or Display.** The placement or exhibition of products or services on a lot outside of a building.
122. **Outdoor Motor Vehicle Storage or Dismantling Yard (Junk Yard).** Any business and any place of storage or deposit which displays or in or upon which there are displayed, to view from a public right-of-way, two (2) or more motor vehicles that are unfit for reconditioning or use on the public highways; or used parts of motor vehicles, old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material, but excluding vehicles in operable condition specially adapted or constructed for racing, and vehicles retained by the owner for antique collection or transportation purposes.



123. **Outlot.** A parcel of land designated on a site plan for future development.
124. **Package Liquor Store.** A retail establishment licensed by the State of Michigan where more than ten percent (10%) of the gross floor area is utilized for the storage, display, and sale of alcoholic liquor, wine, beer, and other alcoholic beverages in the original package for consumption off the premises.
125. **Park.** Any developed park, playground, beach, outdoor swimming pool, golf course, tennis courts or otherwise intended for active or passive recreational pursuits.
126. **Parking Lot.** A facility located outside of the road right-of-way providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided for unrestricted access and egress.
- a. **Parking Space.** A space set aside for the sole purpose of parking an automobile on a temporary basis.
127. **Pavement Or Hard Surface.** Plant-mixed bituminous material, concrete, brick, masonry pavers or similar durable materials approved by the Township.
128. **Permit, Zoning.** Authorization given by the Billings Township to use land or structures for uses permitted under this Ordinance; to erect, construct or alter structures in the Township in conformity with this Ordinance; or to maintain or conduct other specified activities permitted by this Ordinance. The term "permit" shall not include permits issued by Gladwin County and other county and state authorities with jurisdiction.
129. **Performance Guarantee.** A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications of the development.
130. **Person.** An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.
131. **Pet.** A domesticated dog, cat, bird, gerbil hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.
132. **Planning Commission.** The Planning Commission for Billings Township, Gladwin County, Michigan, as established by Township Board resolution and authorized by the Township Planning Act (P.A. 168 of 1943, as amended) and the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended).
133. **Plat.** A map of a subdivision of land.
134. **Porch.** A stoop, terrace or similar un-enclosed (other than mesh screening and any necessary structural supports or architectural or safety features) exterior

structure, with or without a roof, that serves as an entrance to a structure and a transition zone between indoor and outdoor areas.

135. **Premises.** A single zoning lot or multiple adjacent lots under common ownership occupied by a single principal use or integrated principal uses that are not separated by intervening roads, alleys, utility or railroad rights-of-way or other interruptions.
136. **Private Club.** An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit.
137. **Quarter Section.** A square unit of land, measuring approximately one-half ( $\frac{1}{2}$ ) mile in an east-west direction and one-half ( $\frac{1}{2}$ ) mile in a north-south direction, which is derived by dividing a single section into four (4) square quadrants, with each quarter section abutting one corner of the section. A quarter section is typically referred to by the quadrant of the Section in which it is located (i.e. the northeast quarter section, the southeast quarter section, the southwest quarter section, or the northwest quarter section) (see illustration).
- a. **Section.** A square unit of land, measuring approximately one (1) mile in an east-west direction and one (1) mile in a north-south direction, as established by the United States Public Land Survey System. A section may be divided into smaller units as depicted in the following diagram (see illustration).
- b. **Quarter-Quarter Section.** A square unit of land, measuring approximately one-quarter ( $\frac{1}{4}$ ) mile in an east-west direction and one-quarter ( $\frac{1}{4}$ ) mile in a north-south direction, which is derived by dividing a single quarter section into four, square quadrants, with each quarter-quarter section abutting one corner of the quarter section. A quarter-quarter section is typically referred to by the quadrant of the quarter section in which it is located (i.e. the northeast quarter-quarter section, the southeast quarter-quarter section, the southwest quarter-quarter section, or the northwest quarter-quarter section) (see illustration).
138. **Recognizable and Substantial Benefit.** A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include long-term protection or preservation of natural resources and natural features, historical features, or architectural features; or, elimination of a nonconforming use or structure.
139. **Recreation Establishment, Indoor.** A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as gymnasiums and fitness centers, bowling alleys, indoor soccer facilities,

racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.

140. **Recreation Establishment, Outdoor.** A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and children's amusement parks.
141. **Recreation Area.** Any public or privately owned outdoor space that is made available and maintained in a suitable condition for passive and active recreational activities, such as swimming, picnicking, hiking, nature study, hunting, boating, fishing or other recreational purposes.
142. **Recreational Vehicle.** A vehicle which is self-propelled or permanently towable by motor vehicle; designed primarily for use as temporary living quarters, or for recreational, camping, travel or seasonal use; and required by Michigan law to have a valid vehicle registration when traveling upon public roads. Recreational vehicles shall include the following:
- a. **Boats and Boat Trailers.** Motorized or floatation equipment which may be used on the water, plus the normal equipment used to transport the same on the highway. "Boats and "boat trailers" shall include jet skis and other personal watercraft, floats, rafts, and similar devices and equipment.
  - b. **Folding Tent Trailer.** A folding structure, mounted on wheels and designed for travel and vacation use.
  - c. **Motor Home.** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle, built on a single chassis of 400 square feet or less, and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.
  - d. **Pickup Camper.** A portable dwelling designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.
  - e. **Travel Trailer.** A portable dwelling built on a single chassis of 400 square feet or less, constructed to be towed on its own chassis, and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.
  - f. **Horse Trailer.** A structure, mounted on wheels and designed primarily to be used for the transportation of horses.

- g. **Snowmobiles, Go-Carts, Motorcycles, Modpeds, Dirt-bikes, or Dunebuggies.** Motorized vehicles designed primarily for recreational travel or off-road use.
  - h. **Utility Trailers.** A vehicle used to transport boats, motorcycles, snowmobiles, go-carts, and similar devices and equipment.
143. **Repair and Maintenance, Ordinary.** Any work to correct deterioration or decay of or damage to a structure or site improvement, which is intended to restore the structure or site improvement to its original condition, as nearly as feasible. Ordinary repair and maintenance does not include a change in design, material or outward appearance, but does include in-kind replacement or repair.
144. **Restaurant.** Any establishment whose principal business is the sale and serving of food and beverages to the customer in a ready-to-consume state that is open regularly for the service of food to customers for compensation, and whose design and method of operation include suitable seating for customers or a service counter for carry-out orders; adequate and appropriate commercial kitchen and food storage facilities for preparation and service of an assortment of foods commonly ordered at various hours of the day or night; and serving of food and beverages by a restaurant employee at the table where such items will be consumed or at the counter where such items are ordered.
- a. **Carry-Out Restaurant.** Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose design and method of operation include:
    - (1) Food and beverages are usually served in edible containers or in paper, plastic or other disposable containers.
    - (2) The consumption of food and beverages within the restaurant building, within a motor vehicle parked upon the premises or at other facilities in the premises outside the restaurant building is posted as being prohibited, and such prohibition is strictly enforced by the restaurateur.
  - b. **Restaurant, Drive-In.** Any establishment whose principal business is the sale of food and beverages to the consumer in a ready-to-consume state, and whose design and method of operation include:
    - (1) Food and beverages are served directly to the customer in a motor vehicle either by a car-hop or by other means that eliminates the need for the customer to exit the motor vehicle.
    - (2) The consumption of food and beverages within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is allowed, encouraged or permitted.

- c. **Drive-Through Restaurant.** A restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises.
145. **Retail Stores and Retail Sales.** A showroom, sales floor, display area or similar facility for the selling, trading and exchanging of goods, wares or merchandise for direct consumption (not for resale) directly to the consumer and completely within an enclosed building.
- a. Such goods, wares or merchandise shall include appliances, bicycles, books, clothing, crafts, drugs and pharmaceutical items, dry goods, electronics, flowers, home furnishings, gifts, grocery and produce items, hardware, jewelry, musical instruments and supplies, optical goods, paint or wallpaper, pets, photographic supplies, recorded music, sporting goods, toys, and similar items.
  - b. Included in this definition are convenience stores, department stores, variety stores, "big-box" stores, supermarkets, wholesale club stores, shopping centers and shopping malls.
  - c. Also included in this definition are mail-order sales, Internet sales and similar activities, provided such activities are accessory to the principal use of retail sales to the customer in the building.
  - d. This definition does not include temporary uses, outdoor display or sales areas or adult uses and sexually-oriented businesses.
146. **Retention Basin.** A pond, pool, or basin used for the long-term storage of water runoff.
147. **Right-Of-Way.** A road, alley, railroad or similar easement or dedication of land permanently established for passage of persons or vehicles or placement of public and semi-public utilities under the legal authority of the agency with jurisdiction.
148. **Road.** A public or private thoroughfare or way, other than public alley, which affords principal means of access to adjacent land.
- a. **Travelway.** The improved area of a road, including the entire paved or gravel surface width; and any established pathway traversed by vehicles, pedestrians, and others to move from place to place. Drainage improvements for the road shall also be considered part of the travelway.
149. **Roadside Stand.** A temporary structure or use operated for the purpose of seasonally selling agricultural products, a portion of which are raised or produced on the same premises by the proprietor of the stand. A roadside stand shall not include small operations consisting of a portable table that are operated intermittently.
150. **Room.** For the purpose of determining lot area requirements and density in a multiple-family district, a living room, dining room and bedroom, equal to at least 80 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented

showing one (1), two (2) or three (3) bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.

151. **School, Nonpublic.** A nonpublic school is any school other than a public school giving instruction to children below the age of 16 years and not under the exclusive supervision and control of the officials having charge of the public schools of the state. Nonpublic schools include private, denominational, and parochial schools.
152. **School, Public.** A public school is a public elementary or secondary educational entity or agency that has as its principal mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, local act school district, special act school district, intermediate school district, public school academy corporation, public state university or by the department or state board.
153. **Second Hand Dealers.** Any person, corporation or member or members of a corporation or firm who primarily engage in the retail sale of used merchandise, antiques, and secondhand goods; such as, clothing, shoes, furniture, books, rare manuscripts, musical instruments, office furniture, phonographs and phonograph records, store fixtures and equipment. Excluded from this definition are dealers primarily engaged in selling used motor vehicles, trailers, boats, mobile homes, automobile parts and accessories, scrap and waste dealers.
154. **Self-Storage Warehouse.** A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.
155. **Senior Housing.** An institution other than a hospital or hotel, which provides room and board to non-transient persons primarily 55 years of age or older. Housing for the elderly may include:
  - a. **Assisted Living Facility.** A facility providing responsible adult supervision of or assistance with routine living functions of an individual in instances where the individual's condition necessitates that supervision or assistance.
  - b. **Congregate or Interim Care Housing.** A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
  - c. **Dependent Housing Facilities.** Facilities such as convalescent homes and nursing homes that are designed for older persons who need a wide range of health and support services, including personal nursing care.
  - d. **Elderly Housing Complex.** A building or group of buildings containing dwellings where the occupancy is restricted to persons 60 years of age or

older or couples where either the husband or wife is 60 years of age or older.

- e. **Senior Apartments.** Multiple-family dwelling units intended to be occupied by persons 55 years of age or older.
- 156. **Separate Ownership.** Ownership of a lot wherein the owner does not own adjoining lot(s). Such ownership may include dual or multiple ownership by a partnership, corporation or other group, provided that any number of contiguous lots of record may be considered as a single lot of record, for the purpose of this Ordinance.
- 157. **Setback.** The minimum horizontal distance required to exist between any building line and all adjacent lot boundaries or road rights-of-way.
  - a. **Parking Lot Setback.** The minimum horizontal distance between the road right-of-way or lot line and the near edge of pavement in an off-road parking lot.
  - b. **Required Setback.** The minimum horizontal distance between a front, rear or side lot line and a building line required to comply with required yard provisions of this Ordinance.
- 158. **Shopping Center.** A group of commercial establishments, owned and managed as a unit; and related in location, size, and type of shops to the trade area it serves.
- 159. **Sign.** Any surface, fabric, device, display, structure, fixture, placard, or similar visual medium, including all component parts, which bears writing, representations, emblems, graphic designs, logos, trademarks, pictorial forms, sculptured matter or any figures of similar character or the purpose of conveying information, or informing or attracting the attention of persons. Signs shall include banners, bulbs, other lighting devices, streamers, pennants, balloons, propellers, flags or similar devices.

Unless otherwise indicated, the definition of "sign" includes interior or exterior signs that are visible from any public street, sidewalk, alley, park or public property, but not signs that are primarily directed at persons within the premises where the sign is located.

- a. **Abandoned Sign.** A sign accessory to or associated with a use that has been discontinued or terminated for more than 180 days.
- b. **Accessory Sign.** A sign that pertains to the principal use of the premises.
- c. **Billboard or Non-Accessory Signs.** Signs that do not pertain to the principal use of the premises, or that advertises businesses, products, services, facilities or events not sold, distributed or furnished on the

premises on which the sign is located. Also referred to as "outdoor advertising," or "off-premises signs."

- d. **Building-Mounted Sign.** A display sign that is painted on, adjacent to or attached to a building wall, door, window or related architectural feature.
- (1) **Awning Sign.** A sign that is painted or printed on, or attached to an awning or canopy.
  - (2) **Building Directory.** A wall sign where individual occupants of a building whose space is not located on the street level façade may display information directing visitors to their portion of the building.
  - (3) **Nameplate.** A small wall sign accessory to the address numbers of a building for the purpose of identifying the building, occupants or uses.
  - (4) **Projecting Sign.** A display sign attached to or hung from a structure projecting from and supported by the building, and extending beyond the building wall, building line or road right-of-way line.
  - (5) **Wall Sign.** A sign painted on, or attached parallel to the exterior surface of a building wall, door, window or related architectural feature and extending not more than 18 inches from the wall with no copy on the sides or edges.
  - (6) **Window Sign.** A sign affixed to or installed inside a window so as to be observable from the exterior of the building.
- e. **Clearance.** The vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework and embellishments.
- f. **Color Value.** The perception of an internally illuminated color's lightness or darkness or a description of the overall intensity or strength of the light through the illuminated color, expressed as a ratio or percentage.
- (1) **Saturation.** The dominance of hue in the color, expressed as a percentage of the dominant wavelength to other wavelengths in the color.
- g. **Damaged Sign.** A sign or supporting structure that is torn, defaced, dented, smashed, broken, vandalized or destroyed.



- h. **Decorative Display.** A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.
- i. **Ground Sign.** A freestanding sign supported by one or more columns, uprights or braces in the ground surface, or mounted directly to a base with no clearance between the established grade and the bottom of the sign.
- j. **Noncombustible Material.** Any material that will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.
- k. **Nonconforming Sign.** A sign which was erected legally, but which is not in compliance with current Ordinance provisions for signs. The definition of "nonconforming sign" shall not include any sign located within a street right-of-way, or any sign that is missing necessary structural and functional components.
- l. **Portable Sign.** A sign that is not permanently affixed to the ground or structure and is capable of being easily moved from one location to another.
- m. **Roof Sign.** Any sign erected or maintained on or above the roof of the building, or that extends above the roofline.
- n. **Sign Area.** The gross surface area within a single continuous perimeter enclosing the extreme limits of all sign copy or surface of any internally-illuminated sign, awning or canopy. Such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.
- o. **Signable Area.** The area of the street level portion of a principal building's front facade wall, including doors and windows, facing a public street where the address or primary public entrance is located.
- p. **Sign Copy.** Writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower or other materials, color or internally-illuminated area forming an integral part of a display to convey information or attract attention.
  - (1) **Animated Copy.** Sign copy that flashes, moves, revolves, cycles or is otherwise altered or changed by mechanical or electrical means at intervals of less than once per hour.
  - (2) **Changeable Copy.** Moveable letters or other forms of sign copy, not including animated copy, which can be altered by natural,

mechanical or electrical means without replacing the sign copy area.

- q. **Sign Height.** The vertical distance measured from the average grade at the sign location to the highest point of the sign.
  - r. **Site Entry Feature with Signage.** A sign located at the entrance to a residential development, industrial park or similar development for the purpose of identifying an entrance, defining a gateway or creating a common identity for the development.
  - s. **Temporary Sign.** Display signs, banners, balloons, festoons or other advertising devices constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration.
    - (1) **Balloon.** Any air filled or gas filled object tethered to a fixed location and used as a means of directing attention to any business, profession, commodity, service, product or entertainment.
    - (2) **Banner.** A temporary sign made of fabric or other non-rigid material with no enclosing framework.
    - (3) **Festoons.** A string of ribbons, tinsel, small flags or pinwheels.
  - t. **Unlawful Sign.** A sign for which no valid permit was issued by the Township at the time such sign was erected or a sign that is not in compliance with the current zoning ordinance and does not meet the definition of a nonconforming sign.
  - u. **Unsafe Sign.** A sign that is not properly secured, in danger of falling or otherwise in a condition that is hazardous to the public health, safety or welfare.
160. **Site Plan.** A scaled drawing illustrating existing conditions, detailing the proposed use and development of a zoning lot, and including all required elements applicable to the proposed development to ensure compliance with this Ordinance.
161. **Soil.** The word soil as used herein shall be topsoil, subsoil, sand, gravel, muck or any other type of natural earthy material.
162. **Stable, Commercial.** A structure in which livestock used for pleasure riding or driving are housed or kept for hire, including a riding track.
163. **Stable, Private.** An accessory structure used for stabling of livestock owned by the occupants, exclusively as an accessory use.

- 163a. **Stairs, Ingress/Egress.** A contiguous set of steps providing access to a structure, but not including any associated deck, porch, or landing.
164. **State Licensed Residential Facility.** A structure or facility constructed for residential purposes to provide resident services and 24 hour supervision or care for six (6) or fewer persons in need of supervision or care, or as licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (P.A. 218 of 1979, as amended) or Child Care Organizations Act (P.A. 116 of 1973, as amended).
165. **Steep Slopes.** Slopes with a grade of twelve percent (12%) or more.
166. **Story.** That part of a building, except a basement or mezzanine as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it.
- a. A mezzanine shall be deemed a full story when it covers more than one-third ( $\frac{1}{3}$ ) of the area of the story underneath, or, if the vertical distance from the floor next below the mezzanine to the floor above it is 24 feet or more.
- b. A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is half than the vertical distance from the average grade to the ceiling.
167. **Story, Half.** An uppermost story lying under a sloping roof having an area of at least 200 square feet in area with a clear ceiling height of seven (7) feet six (6) inches. For the purposes of this ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.
168. **Structure.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, buildings, mobile homes, aboveground swimming pools, radio towers, sheds, signs and storage bins, but excluding sidewalks and paving on roads, driveways, parking areas and patios.
169. **Subdivision.** A subdivision as defined in the Land Division Act (P.A. 288 of 1967, as amended).
170. **Swimming Pool.** Any structure or container located above or below grade designed to hold water to a depth of greater than two (2) feet and intended for swimming or bathing. A swimming pool is an accessory structure for purposes of this Ordinance.
- a. **Wading Pool.** Any receptacle utilized for holding water that has a water depth not exceeding two (2) feet and intended for swimming or bathing.
171. **Tavern (Pub).** An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where less than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by

customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables, and other mechanical amusement devices.

172. **Temporary Structure.** A structure permitted to exist during periods of construction, special events, and other limited time periods.
- a. **Tent.** A shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground.
173. **Township.** The geographical area and governmental entity encompassing Billings Township, Gladwin County, Michigan
174. **Township Board.** The elected board of trustees for Billings Township, Gladwin County, Michigan.
175. **Township Engineer.** The person or firm designated by the Township to advise the Zoning Administrator, Township Board, and Planning Commission on drainage, grading, paving, storm water management and control utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or employee of the Township.
176. **Township Planner.** The person or firm designated by the Township Board to advise the Zoning Administrator, Township Board, and Planning Commission on community planning, zoning, land use, housing, and other related planning and development issues. The Township Planner may be a consultant or an employee of the Township.
177. **Tract.** Two (2) or more parcels that share a common property line and are under the same ownership.
178. **Truck Terminal.** The use of land or buildings for the temporary parking of motor freight vehicles or trucks of common carriers, during loading and unloading and between trips, including necessary warehouse space for storage of transitory freight.
179. **Undeveloped State.** Land in a natural condition; preserving natural resources, natural features or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state shall not include a golf course, but may include passive recreational facilities; including recreational trails, picnic areas, children's play areas, greenways or linear parks. Land in an undeveloped state may be, but it not required to be, dedicated to the use of the public.
180. **Use.** The purpose for which land or premises or a building thereon, is designed, arranged or intended or for which it is occupied maintained, let or leased.

- a. **Accessory Use.** A use naturally and normally incidental to, subordinate to and devoted exclusively to the principal use or building of the premises.
  - b. **Permitted Use.** A use permitted in each zoning district by right subject to site plan review approval.
  - c. **Principal Use.** The main or primary use of the land or structures; or an activity permitted by right in the district, subject to the requirements and standards of this Ordinance.
  - d. **Seasonal Use.** A temporary use permitted and regulated pursuant to this Ordinance for a limited period of time conducted every year at the same time of year, such as, but not limited to, the sale of Easter flowers or Christmas trees.
  - e. **Special Use.** An activity that may be detrimental to other land uses permitted within the same district, but that may be permitted subject to certain conditions or limitations designed to insure that the use is compatible with other permitted uses in the district.
  - f. **Temporary Use.** A use permitted and regulated pursuant to this Ordinance for periods of time that are limited in duration as specified by this Ordinance.
181. **Utility, Public or Private.** A person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing, under federal, state or municipal regulations or franchise agreements, to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water. Wireless communications towers or antennas shall not be considered public or private utilities under this Ordinance.
182. **Variance.** A modification of the literal provisions of this Ordinance granted by the Zoning Board of Appeals.
- 182a. **Vehicle Shelter.** A temporary accessory structure consisting of metal, fabric, wood, plastic, fiberglass, or combination of similar materials and designed or intended for the short-term sheltering of one (1) or more motor or recreational vehicles from weather conditions or solar radiation.
183. **Veterinary Clinic Or Hospital.** An office of a duly licensed veterinary professional for diagnosis, treatment, surgery and other veterinary care of domestic animals, horses, livestock and other animals.
- 183a. **Volatile Farm-Based Biofuel Production Facility.** An accessory use, clearly incidental and subordinate to an active farm operation lawfully operating on the same zoning lot, in which biofuel (as defined in this Section) is derived from recently living organisms or their metabolic by-products. This term shall include all equipment, storage tanks, and other improvements needed to produce, store,

and transport the biofuel in a manner that meets all federal, state, and Township standards and limitations.

184. **Walls.**

- a. **Decorative.** A screening structure walls of definite height and location constructed of an aesthetically pleasing masonry or rock material, such as face brick, stone or decorative block.
- b. **Obscuring.** An obscuring structure of definite height and location constructed of masonry, concrete or similar material.

184a. **Waterfront Structures.** Boathouses, boardwalks and decks, seawalls, and other structures that partially or entirely abut, or extend over or into a lake, river, or canal (also see **Boathouse**).

185. **Wetland.** Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the land surface or the land is saturated with or covered by water. Some wetland areas are more commonly referred to as bogs, swamps or marshlands. Wetlands shall also have one (1) or more of the following attributes:

- a. At least periodically, the land supports predominantly hydrophytes.
- b. The substrate is predominantly un-drained hydric soil.
- c. The substrate is saturated with water or covered by shallow water at some time during the growing season of each year.

186. **Wetland, Regulated.** Certain wetlands as regulated by the Michigan Department of Environmental Quality (MDEQ), that have any of the following characteristics:

- a. Contiguous to an inland lake, pond, river or stream;
- b. Not contiguous to an inland lake, pond, river or stream, and more than five (5) acres in size;
- c. Other wetlands where the MDEQ determines, with notification to the land owner, that protection is essential to preserve natural resources of the state from pollution, impairment or destruction.

187. **Wireless Communications Facility.** All structures, equipment and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals.

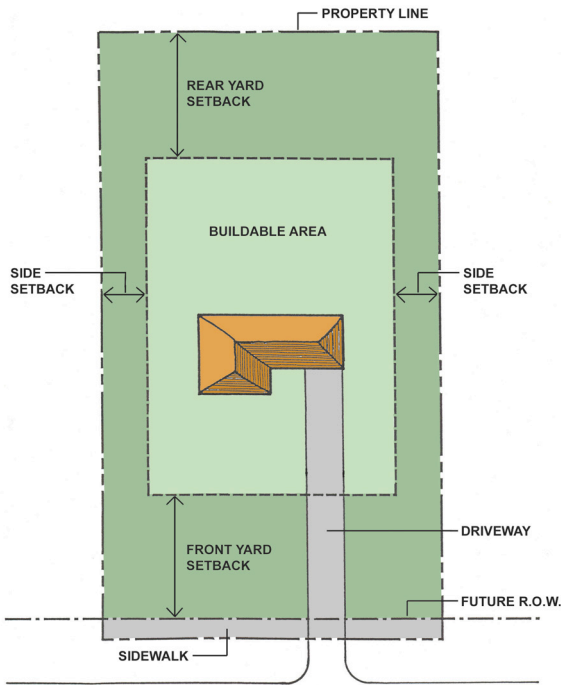
- a. **Abandoned Tower Or Antenna.** An antenna that is not operated for a continuous period of twelve months or a tower constructed or maintained without an operational antenna shall be considered abandoned.
- b. **Alternative Tower Structure.** Man-made trees, clock towers, bell steeples, utility poles, flagpoles and similar decorative structures that camouflage or conceal the presence of antennas or towers.

- c. **AM Array.** One or more tower units with a supporting ground system that function as one AM broadcasting antenna shall be considered as one tower with a perimeter equaling the smallest rectangular figure that can encompass all elements associated with the array. Setbacks and other distances shall be measured from this perimeter. Additional tower units may be added within the perimeter of an approved array by right.
  - d. **Amateur Radio Communications Antenna.** An antenna and associated support structure that is owned and operated by a federally licensed amateur radio station operator for personal use.
  - e. **Antenna.** Any exterior transmitting or receiving device mounted on a tower, structure and used in communications that radiate or capture electromagnetic waves, digital or analog signals, radio frequencies (except radar) or other wireless communication signals.
  - f. **Backhaul Network.** The lines that connect a provider's towers or antennas to one or more switching offices, long-distance providers or public-switched telephone network.
  - g. **Co-Location.** The location of two (2) or more wireless telecommunication facilities on a common structure, tower or building.
  - h. **Equipment Enclosure.** A dedicated and secured area for the placement of accessory structures and equipment associated with a wireless communications facility.
  - i. **Satellite Dish.** An antenna structure designed to receive from or transmit to orbiting satellites.
  - j. **Tower.** A structure, and any support thereto, designed primarily for the purpose of supporting one or more antennas for wireless communication purposes, including, but not limited to monopoles, lattice towers, light poles, wood poles and guyed towers and other structures.
188. **Yard.** An open space of prescribed width or depth on the same zoning lot with a building or group of buildings between the building or group of buildings and the nearest lot line, and is unoccupied from the ground upward except as otherwise provided herein.
- a. **Front Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance as measured perpendicular from the front lot line, or road right-of-way for non-platted lots, to the nearest point where the outer surface of the principal building's exterior wall intersects with the finish grade or surface of the adjoining ground.
  - b. **Rear Yard.** The yard directly opposite the designated front yard; or an open space extending across the full width of the lot, the depth of which is the minimum horizontal distance as measured perpendicular from the rear lot line to the nearest point where the outer surface of the principal building's exterior wall intersects with the finish grade or surface of the adjoining ground.

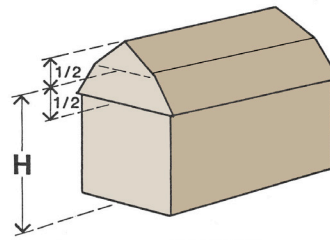
- c. **Required Yard.** An open space or yard area that conforms to the requirements of this Ordinance for yard, setback or other open space requirements..
  - d. **Side Yard.** An open space extending from the front yard to the rear yard on the side of the principal building between the building and the side lot line, the width of which is the minimum horizontal distance as measured perpendicular from the side lot line to the nearest point where the outer surface of the principal building's exterior wall intersects with the finish grade or surface of the adjoining ground.
189. **Zoning Administrator.** The person or persons designated by the Township to administer and enforce this Zoning Ordinance on a day-to-day basis, including but not limited to processing applications, providing staff support to the Planning Commission or Zoning Board of Appeals, sending notices of public hearings, code enforcement and complaint investigation, and similar work.
190. **Zoning Board of Appeals.** The Zoning Board of Appeals appointed by the Township Board for Billings Township, Gladwin County, Michigan.



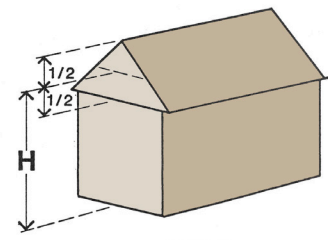
# ILLUSTRATIONS



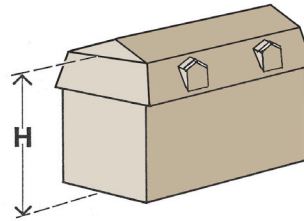
Building Envelope



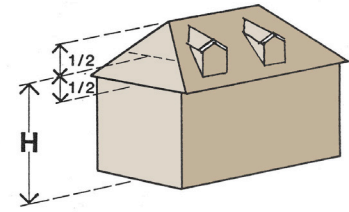
GAMBREL



GABLE

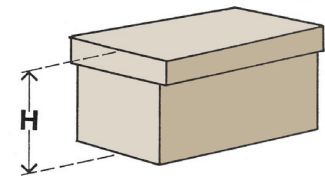


MANSARD

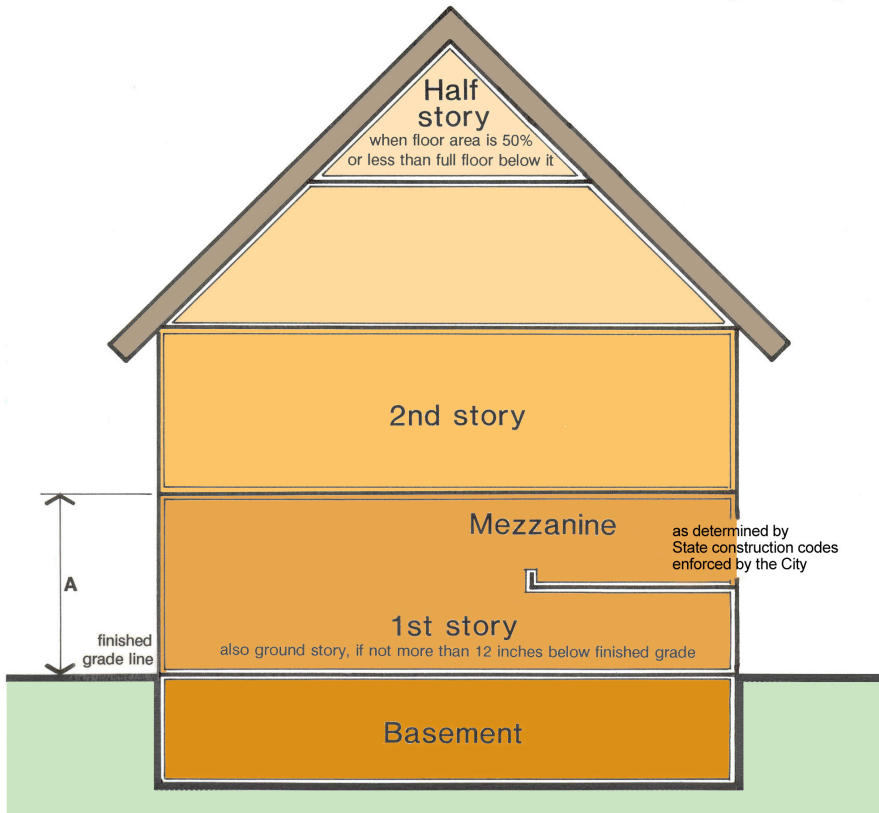


HIP

Building Height

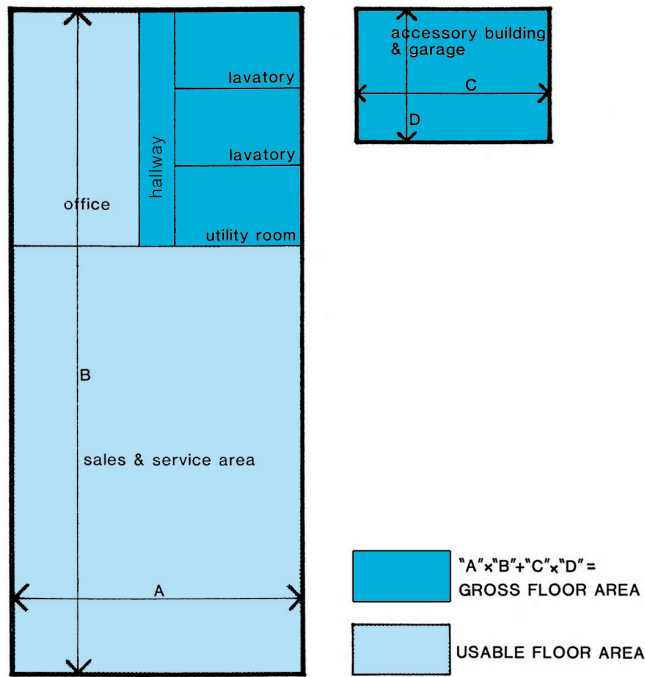


FLAT

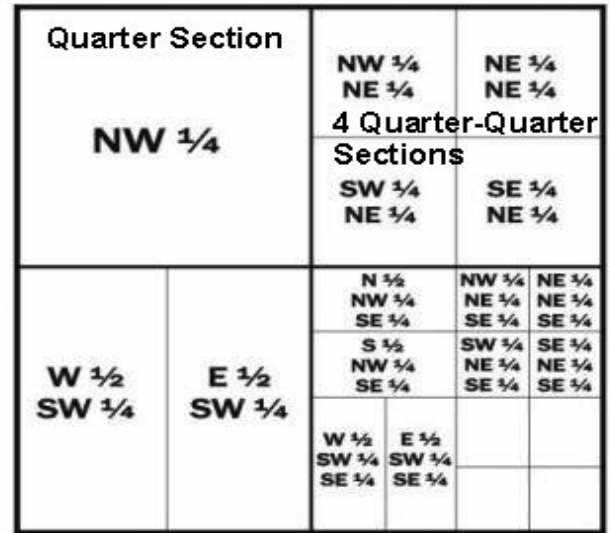


Basic Structural Terms

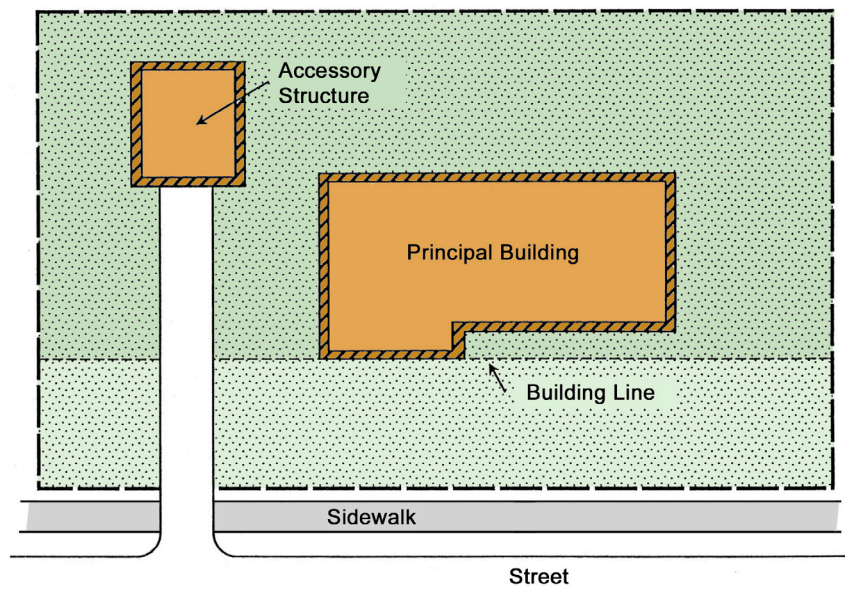
# ILLUSTRATIONS



Floor Area

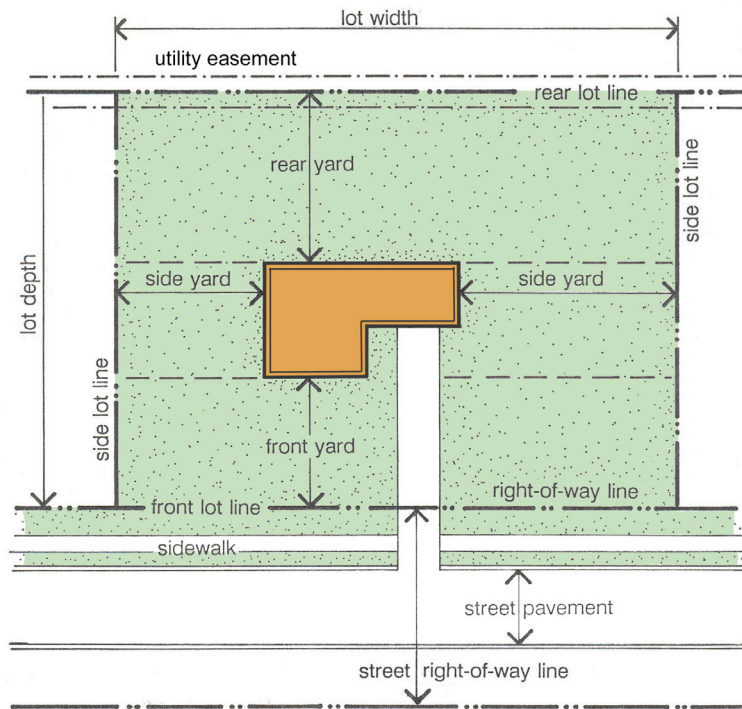


Typical Section Subdivisions

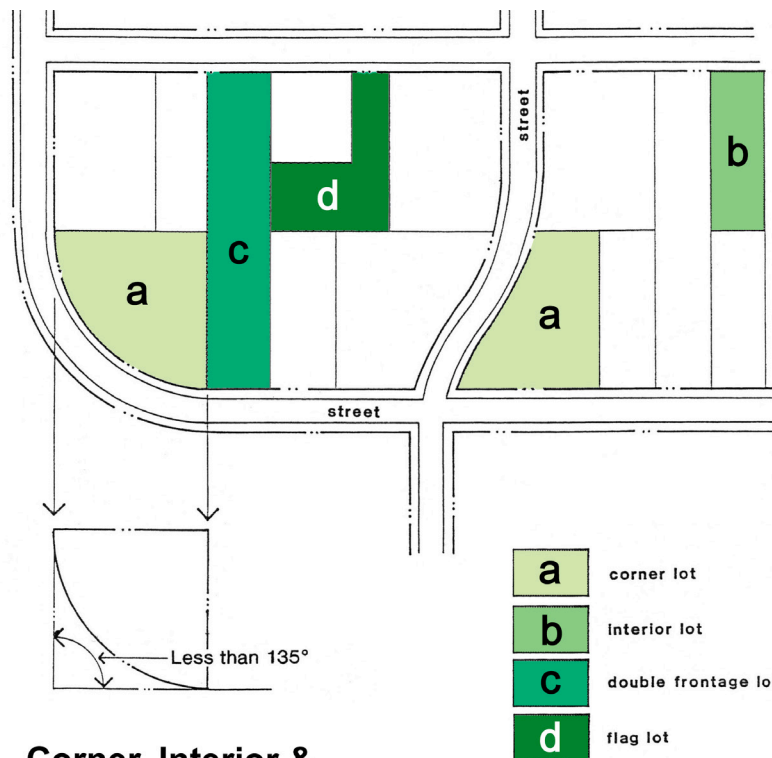


Accessory Structure

# ILLUSTRATIONS



## Yard Terms



## Corner, Interior & Double Frontage Lots

## **ARTICLE 19**

### **SEVERABILITY, REPEAL, EFFECTIVE DATE, AND ADOPTION**

#### **Section 19.01 Severability.**

If any part, sentence, paragraph, section or provision of this Ordinance or application thereof is adjudged unconstitutional or invalid, such invalidity shall not affect the remaining portion or application, or validity of this Ordinance as a whole. It is hereby declared that the legislative intent would have been to adopt this Ordinance as if the invalid provision had not been included.

#### **Section 19.02 Repeal of Previous Ordinances.**

All previous zoning ordinances adopted by the Billings Township, and all amendments thereto, are hereby repealed as of the effective date of this Ordinance, together with all other ordinances, or parts thereof, that conflict with this Ordinance.

However, no offense committed nor penalty incurred prior to the effective date of this Ordinance shall be affected or impaired:

1. Any prosecution pending at the time this Ordinance becomes effective may be tried and determined exactly as if such ordinance has not been repealed.
2. Any prosecution started within 365 calendar days after the effective date of this Ordinance in consequence of any violation of any ordinance repealed herein, which was committed previous to the effective date of this Ordinance, may be tried and determined exactly as if such ordinance has not been repealed.

#### **Section 19.03 Adoption.**

This Ordinance was adopted by the Township Board of Billings Township, Gladwin County, Michigan, following compliance with all procedures required by the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), at its regular meeting duly held on the thirteenth day of December, 2004, and ordered to be given publication in the manner prescribed by law.

#### **Section 19.04 Effective Date.**

This Ordinance is hereby declared to be effective as of the first day of January, 2005, pursuant to the notice of adoption required under the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended).



**BILLINGS TOWNSHIP  
GLADWIN COUNTY, MICHIGAN**

**NOTICE OF ADOPTION OF NEW ZONING ORDINANCE**

NOTICE IS HEREBY GIVEN THAT A COMPREHENSIVE NEW ZONING ORDINANCE TEXT REGULATING THE DEVELOPMENT AND USE OF LAND WAS ADOPTED BY THE TOWNSHIP BOARD FOR BILLINGS TOWNSHIP, GLADWIN COUNTY, MICHIGAN AT A REGULAR MEETING HELD ON MONDAY, DECEMBER 13, 2004.

THE ZONING ORDINANCE SHALL BECOME EFFECTIVE ON JANUARY 1, 2005, FOLLOWING PUBLICATION OF THIS NOTICE.

A COPY OF THE NEW ZONING ORDINANCE TEXT AND OFFICIAL ZONING MAP MAY BE PURCHASED OR INSPECTED DURING REGULAR BUSINESS HOURS OR BY APPOINTMENT IN THE TOWNSHIP CLERK'S OFFICE LOCATED AT 1050 ESTEY ROAD, BEAVERTON, MICHIGAN 48612-8181.

PUBLISHED BY ORDER OF THE TOWNSHIP BOARD  
BILLINGS TOWNSHIP, GLADWIN COUNTY, MICHIGAN