

## **ARTICLE 1**

### **TITLE, ENABLING AUTHORITY, PURPOSE, SCOPE & VALIDITY AND SEVERABILITY CLAUSE**

#### **SECTION 101        TITLE**

This ordinance shall be known and cited as the Fulton Township Zoning Ordinance and Zoning Map (“Ordinance”).

#### **SECTION 102        STATE ENABLING AUTHORITY**

This Ordinance is adopted by Fulton Township (“Township”) pursuant to the Michigan Zoning Enabling Act No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3101 et. seq.), hereafter referred to as the “Zoning Act”, as amended, and, when so far as it is applicable, the Michigan Planning Enabling Act No. 33 of the Public Acts of Michigan of 2008 (MCL 125.3801 et seq.), as amended (“Planning Act”).

#### **SECTION 103        PURPOSE**

- A.     The purpose of the Ordinance is to regulate the use of land and structures to:
1.     Promote and protect the public health, safety, and general welfare;
  2.     Meet the needs of the state's citizens for food, fiber, energy, and other natural resources;
  3.     Regulate the use of land and structures to provide places of residence, recreation, industry, commerce, service, and other uses of land;
  4.     Ensure that use of the land is situated in appropriate locations and relationships;
  5.     Limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities; and
  6.     Facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements.
- B.     Such is based on a plan and policy, including but not limited to, the following:
1.     Encouraging the use of lands in accordance with their character and adaptability;

2. Limiting the improper use of land and conserving natural resources and energy,
  3. Ensuring that uses of the land are situated in appropriate locations and relationships as well as providing adequate light and air, reducing congestion of the public roads and streets and reducing hazards to life and property;
  4. Facilitating adequate provisions for transportation, sewage disposal, safe and adequate water supply, education, and recreation;
  5. To conserve the expenditure of funds for public improvements and services to make the most advantageous use of land, resources, and properties under the jurisdiction of the Township; and
  6. Be made with reasonable consideration to the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.
- C. It is also the purpose of this Ordinance to provide for the establishment of districts and regulations that shall be uniform for each class of land or buildings, dwellings, and structures within a district located within the jurisdiction of the Township.
- D. It is also the purpose of this Ordinance to establish land development regulations designating or limiting the location, height, bulk, number of stories, uses, and size of dwellings, buildings, and structures that may be erected or altered, including tents and recreational vehicles, and to develop procedures for enforcement and penalty to ensure compliance with those provisions.
- E. This Ordinance may also provide for the regulation of land development and the establishment of districts which apply only to land areas and activities involved in a special program to achieve specific land management objectives and avert or solve specific land use problems.

#### **SECTION 104        SCOPE OF REGULATIONS**

- A. This Ordinance and the regulations, provisions and requirements herein shall be interpreted, construed and implemented in such a manner as to progress its stated purposes. Nothing, however, within this Ordinance shall be interpreted, construed or implemented to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition any part of a structure or premises declared unsafe or unhealthy.
- B. Where any requirement imposed by any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations upon the use of any

land, property, lot, building, or structure than are imposed or required by the provisions of any other law or regulation, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or regulation shall govern.

- C. This Ordinance is not intended to modify or annul any easement, covenant, or other private agreement.
- D. Nothing in the Ordinance shall be interpreted or held to authorize, grant, award or provide to any individual, person, firm, corporation or entity any vested right, license, permission, privilege or permit.
- E. The Ordinance and the regulations, provisions, requirements, maps and schedules contained herein are based upon implementation of the Fulton Township Master Plan (“Master Plan”), as amended. The Master Plan is and will continue to be the basis for consideration of the Ordinance and subsequent amendment thereof.
- F. Zoning affects every structure, land use and parcel of land. No building, structure or land shall be used or occupied, and no building or part thereof, or structure or part thereof, shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in compliance with the provisions in this Ordinance for the zone in which such building, structure or land is located and except in compliance with other applicable provisions of this Ordinance. Any building, structure or land use not provided for in this Ordinance is prohibited.

#### **SECTION 105            VALIDITY AND SEVERABILITY CLAUSE**

- A. This Ordinance and the articles, sections, regulations, provisions, requirements, maps and schedules contained herein are severable. If any part of this Ordinance is declared by a court of competent jurisdiction to be invalid for any reason, such invalidity shall only apply to the specific adjudicated article, section, regulation, provision, requirement, map or schedule and not affect the remainder of the Ordinance.
- B. If any part of this Ordinance is declared by court of competent jurisdiction to be invalid for any reason for a particular property, portion of land, parcel, lot, district, use, building or structure, such invalidity shall not apply or effect the regulation of any other property, portion of land, parcel, lot, district, use, building or structure located within the jurisdiction of the Township.

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## **ARTICLE 2**

### **ADMINISTRATION AND ENFORCEMENT**

#### **SECTION 201        ADMINISTRATION**

- A. It is the intent and purpose of this Article to provide the procedures for the administration of the Fulton Township Zoning Ordinance (“Ordinance”), including, but not limited to, the issuance of zoning permits, collection of fees and performance guarantees, public notice, and enforcement.
- B. The administration and enforcement of this Ordinance shall be the responsibility of the Fulton Township Board (“Board”) and the Fulton Township Planning Commission (“Planning Commission”). The Board shall have the right to delegate responsibility for enforcement to appropriate officers, employees or contractors.
- C. The person administering and enforcing this Ordinance shall be known as the Zoning Administrator. That person may be an employee of the Township, a contractor for the Township, or an employee or contractor of an entity retained by the Township for such purposes of administration and enforcement. The Zoning Administrator shall have the power of a police officer whose jurisdiction is the enforcement of this Ordinance. In the absence of a Zoning Administrator, the Township Supervisor or other Township officer as designated by the Board shall assume all the powers and duties of the Zoning Administrator.

#### **SECTION 202        ACTING IN OFFICIAL CAPACITY**

- A. Any person charged with the enforcement of this Ordinance, while acting in their official capacity on behalf of the Township, shall not thereby render herself/himself liable personally, and he/she is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her official duties.
- B. Any suit instituted against a person because of an act performed in the lawful discharge of his/her duties and under the provisions of the Ordinance shall be defended by the legal representative of the Township until the final termination of the proceedings. In no case shall the aforementioned persons be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of the Ordinance. Any of the aforementioned persons acting in good faith and without malice shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of his/her official duties as described herein.

**SECTION 203            DUTIES OF THE ZONING ADMINISTRATOR**

- A. It shall be the responsibility of the Zoning Administrator to enforce the provisions of this Ordinance and in doing so shall perform the following duties:
1. The Zoning Administrator is responsible for reviewing and approving zoning permits. All applications for zoning permit shall be submitted to the Zoning Administrator.
  2. Upon receipt of a complete application, the Zoning Administrator shall have ten (10) business days in which to issue a zoning permit if all applicable provisions of this Ordinance have been complied with or deny if proposed improvements are not in compliance with the Ordinance.
  3. The Zoning Administrator shall maintain files of all applications for zoning permit and shall keep record of all permits issued.
  4. The Zoning Administrator shall receive and process all applications where the Board, Planning Commission or Fulton Township Zoning Board of Appeals (“ZBA”) is required to act or decide under this Ordinance.
  5. The Zoning Administrator shall be empowered to make inspections of structures or premises in order to carry out the enforcement of this Ordinance. The Zoning Administrator may seek a search warrant to make an inspection to determine compliance with this Ordinance.
  6. The Zoning Administrator shall be empowered to issue appearance summons, seek the issuance of warrants for the arrest of alleged violators through proper legal action and bring civil or criminal action in the name of the Township against violators of the regulations and provisions of this Ordinance.
  7. The Zoning Administrator shall equally apply the regulations in this Ordinance to all property owners. Enforcement actions may be initiated by a complaint, or by the Zoning Administrator upon identification and verification of a violation with or without complaint.
  8. The Zoning Administrator shall keep a record of complaints of violation of any of the provision of this Ordinance and of the action taken to address each complaint.
  9. The Zoning Administrator shall report to the Board periodically (but not to exceed one (1) year) and provide a report summarizing zoning permits issued and action taking concerning violations of the Ordinance.

**SECTION 204            DUTIES OF THE PLANNING COMMISSION**

- A.     As a group of individuals appointed by the Board, it shall be the responsibility of the Planning Commission to perform the following duties:
1.     Recommend and adopt rules and guidelines for the proper administration and enforcement of the Ordinance.
  2.     Conduct public hearings for issues requiring public hearing before the Planning Commission, review and approve site plans as prescribed in the Ordinance, and review all proposed requests for special land use and/or amendments to the Ordinance for compliance with requirements of the Ordinance and recommend appropriate action to the Board for approval, disapproval or modification.
  3.     Act as a policy board on matters of enforcement and administration of the Ordinance not covered by adopted rules or guidelines, including opening for review the Fulton Township Master Plan (“Master Plan”) every five (5) years and draft changes, if deemed necessary, for consideration at public hearing.

**SECTION 205            ZONING PERMIT PROCEDURES**

- A.     It is the intent and purpose of this section to create a review and permit process for the administration of this Ordinance. Such review and permitting process shall involve a written application for proposed use and/or improvement and written documentation that such proposed use and/or improvement is in compliance with the Ordinance and therefore permitted.
1.     The excavation for any structure shall not be commenced; the erection of, addition to, alteration of, or moving of any structure shall not be undertaken; or any land shall not be used, a previous use of land re-instituted; or any existing land use expanded or changed to a different type or class; or the use or occupancy of any structure or premises, or part thereof, hereafter shall not be undertaken without the issuance of the proper and appropriate zoning permit.
  2.     A zoning permit shall not be issued for those uses requiring special land use approval until a special land use has been approved in compliance with the provisions of this Ordinance.
  3.     Except upon written order of the Board of Appeals no such permit shall be issued for any building or use of land where the construction, addition, alteration, or use thereof would be in violation of this Ordinance.
  4.     Improvements and structures utilized in the commercial production of agricultural products protected under the Michigan Right-To-Farm Act

(“MRTFA”) that are not required to obtain a building permit under the State Construction Code are required to obtain a zoning permit.

- B. There shall be submitted to the Zoning Administrator an application for zoning permit. An application for zoning permit is subject to the following:
1. Proof of ownership/equitable title shall be required with any application for a zoning permit in order to establish interest in property and right to proceed.
  2. An application for a zoning permit gives consent for the Zoning Administrator and/or their assigns, to enter and/or access property for proper inspection prior to issuing permit.
  3. All fees for inspection and the issuance of a zoning permit required under this Ordinance shall be collected by the Zoning Administrator in advance of issuance of the zoning permit. The amount of such fees shall be established by resolution of the Board and shall be in an amount sufficient to defray the cost of inspections and supervision necessary for the implementation and enforcement of this Ordinance.
  4. All applications for zoning permit shall require an accurate scale map showing the following:
    - a. The location, shape, area, dimensions, legal descriptions of the parcel, deed restrictions, location of easements, center line of street and street right-of-way (or easement).
    - b. The location, setbacks, dimensions, height of the existing and/or proposed structures to be erected, altered or moved on the parcel.
    - c. The existing and intended use of structure(s) and property.
    - d. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other users.
    - e. Any change to the contour of the parcel involved.
    - f. Identify surface water and waterways.
    - g. Any application where the above information is not provided or is illegible shall be returned to the applicant for revision.
  5. The applicant’s request for zoning permit must comply with the provisions and regulations of this Ordinance, as well as meet the rules and regulations set forth by other agencies and department. The Zoning Administrator may withhold any approval of zoning permit pending verification that an applicant has received required local, county, state or federal permits.



- a. In the case of a zoning permit for a dwelling or other building intended for human occupancy, evidence shall be provided that potable water and sanitary sewage is approved by the agency responsible for such matters.

C. Expiration and Revocation of Zoning Permit

1. Any permit granted under this section shall become null and void unless development proposed shall have its first building or trades inspection within one-hundred and eighty (180) days from the granting of a zoning permit.
2. The Zoning Administrator shall have the power to revoke or cancel any zoning permit in case of failure or neglect to comply with any provisions of this Ordinance or in the case of any false statement or misrepresentation made in the application. The owner or his agent shall be notified of such revocation in writing.

**SECTION 206 PUBLIC NOTICE**

- A. All applications for development approval requiring a public hearing and notice shall comply with the Michigan Zoning Enabling Act No. 110 of the Public Acts of Michigan of 2006, as amended, (MCL 125.3101 et seq.) (“Zoning Act”) as well as other provisions of this section and Ordinance.
- B. When the provisions of this Ordinance or the Zoning Act require that notice be published, the Township Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Township and/or mailed and delivered as provided herein.
  1. All mail, personal and newspaper notices for public hearing shall contain the following information:
    - a. A description of the nature of the request shall be provided, including identifying if the request is for a map or text amendment, a special land use or planned unit development, a variance, appeals or interpretation or for some other purpose.
    - b. A description of the location of the property that is the subject of the request. The notice shall include a listing of all known existing street addresses for the petitioned property or properties. If there are no street addresses, other means of identification, such as tax parcel identification number, nearest cross street and directions, or map showing the location of the property, may be used.

- c. Indication of when and where the request will be considered by providing the date, time and location of the public hearing.
    - d. Inclusion of a statement describing when and where written comments will be received concerning the request. Also, public notices shall indicate that the public may appear at the public hearing in person, by counsel, or by personal representative.
    - e. Information concerning handicap and barrier-free access accommodations, if applicable.
  2. Public notice shall be published in a newspaper of general circulation in the Township not less than fifteen (15) days before the date the subject of the public notice will be heard and considered for approval.
  3. When the provisions of this Ordinance or the Zoning Act require that personal or mailed notice be provided, notice shall be provided to:
    - a. The owner(s) of the property and the applicant, where applicable.
    - b. Except for rezoning requests involving eleven (11) or more adjacent properties comprising one (1) petition or is a matter before the Board of Appeals that does not involve a specific property (e.g. interpretation or appeal of administrative decision), notice shall be provided to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request and to the occupants of all structures within three hundred (300) feet of property regardless of whether the property or occupant is within the zoning jurisdiction boundaries of the Township. If the name of the occupant is not known, the term "occupant" may be used in making notification.
    - c. All persons, organizations, entities and agencies having requested to receive notice pursuant to the to Section 206.C.
    - d. Such notice shall be provided not less than fifteen (15) days before the date the subject of the public notice will be heard and considered for approval.

C. Registration to Receive Notice by Mail.

1. Any neighborhood organization, public utility company, railroad, or any other person may register with the Township Clerk to receive written notice of all applications for approval, or written notice of all applications for development approval within the zoning district in which they are located.

2. The requesting party must provide the Township Clerk information on an official form to ensure proper notification can be made. Fees, as established by the Board, may be assessed for the provision of this notice.

**SECTION 207 ENFORCEMENT, VIOLATIONS AND PENALTIES**

- A. Any use of land which is commenced or conducted, or any building or structure which is erected, moved, placed, reconstructed, raised, extended, enlarged, altered, maintained or changed, in violation of any provision of this Ordinance is hereby declared to be a nuisance per se. Any person who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit or other approval granted hereunder, or any lawful order or decision of the building official, Zoning Administrator, Zoning Board of Appeals, or the Township Board issued pursuant to this Ordinance shall be in violation of this Ordinance. Any such violation is declared to be a nuisance per se.
- B. The Township may seek injunctive relief against persons alleged to be in violation of this Ordinance, and any such other relief as may be provided by law.

**SECTION 208 REVIEW FEES AND PERFORMANCE GUARANTEES**

- A. Review fees shall be established for application, permit and development review for proposed improvements requiring review under this Ordinance. The amount of such fees shall be established by resolution of the Board and shall be in an amount sufficient to defray the cost of inspections and supervision necessary for the implementation and enforcement of this Ordinance.
  1. Fees for review of development proposals, inspections and the issuance of permits required under this Ordinance shall be deposited with the Township Clerk in advance of processing any application or issuance of any permit.
  2. Such fees may include, but are not limited to, all costs associated with conducting a public hearing or inspection, including the newspaper notice, postage, photocopying, staff time, Planning Commission, Board and/or Board of Appeals time, mileage and any costs associated with reviews by qualified professional planners and/or engineers. Such fees may be collected in escrow with any unexpanded balance returned to an applicant upon completion of the approval process.
    - a. For any application for approval of a site plan, special land use, Planned Unit Development or other use or activity requiring a permit under this Ordinance, either the Zoning Administrator or the Planning Commission may require the deposit of fees to be held in escrow in the name of the applicant.

- b. The escrow fees shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the Township values to review the proposal. Professional review shall result in a report to the Township indicating the extent of conformance or non-conformance with this Ordinance and to identify any problems which may create a threat to public health, safety or the general welfare. The applicant may request a copy of the statement of expenses for the professional services rendered.
  - c. No application for approval for which an escrow fee is requested will be processed until the escrow fee is deposited with the Township Clerk. The applicant is entitled to a refund of any unused escrow fees at the time a permit is either issued or denied in response to the applicant's request. If costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any permit issued by the Zoning Administrator in response to the applicant's request.
- B. In authorizing any site plan, special land use, Planned Unit Development or variance, the body or official which approves the respective request, as designated by this Ordinance, may require that a performance guarantee or bond be furnished to ensure compliance with requirements, specifications and conditions imposed with the grant of such approval; to ensure the discontinuance of a temporary use by a stipulated time; or to provide sufficient resources for the Township to complete required improvements or conditions in the event the permit holder does not.
- 1. Improvements that shall be covered by the performance guarantee or bond include, but are not necessarily limited to streets and other roadways, utilities, fencing, screening, landscaping, common open space improvements, lighting, drainage and sidewalks. The Zoning Administrator shall maintain a record of authorized performance guarantees.
  - 2. The performance guarantee shall meet the following requirements:
    - a. The performance guarantee shall be in the form of cash certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the Township Clerk, which names the property owner as the obligor and the Township as the obligee.
    - b. The performance guarantee or bond shall be submitted at the time of issuance of the permit authorizing the activity. If appropriate, based on the type of performance guarantee submitted, the Township may deposit the funds in an interest bearing account in a financial institution with which the Township regularly conducts business.
    - c. The amount of the performance guarantee or bond should be sufficient to cover the estimated cost of the improvements or conditions.

Additional guidelines for establishing the amount of a performance guarantee or bond may be prescribed by resolution of the Board.

- d. The Zoning Administrator, upon the written request of the obligor, and pursuant to the procedure in the next subsection, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement or condition.
- e. When all or portions of the required improvements have been completed, the obligor shall send written notice to the Township Clerk. Upon provided notice, the Zoning Administrator, or assigns, shall inspect all of the improvements and shall transmit recommendation to the Planning Commission and Board indicating approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejections.
- f. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee or bond, except for that portion adequately sufficient to secure provision of the improvements not yet approved.

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## **ARTICLE 3**

### **GENERAL PROVISIONS**

#### **SECTION 301 INTENT AND PURPOSE**

The intent and purpose of this Article is to establish general regulations and provisions that are applicable to all or some of the zoning districts under the Fulton Township Zoning Ordinance (“Ordinance”).

#### **SECTION 302 REQUIRED ACCESS/STREET FRONTAGE**

- A. Any parcel or lot that is to be occupied by a use or a structure shall have the minimum lot width as prescribed in the district where it is located and frontage on and direct access to a public or private street that meets one of the following conditions:
1. A public road which has been, or shall be accepted for maintenance by Fulton Township (“Township”) or the Gratiot County Road Commission.
  2. A permanent and unobstructed private road reviewed, approved and built in accordance with Article 6 and Article 7, Section 706.

#### **SECTION 303 LOT OF RECORD AND PRINCIPAL STRUCTURE**

- A. Every structure erected, altered, or moved shall be located on a lot of record. Except in the case of approved multiple-family, commercial, office and industrial developments, there shall be no more than one (1) principal structure or use located on each lot or parcel in any district, unless specified elsewhere in the Ordinance.
- B. No accessory building or structure on the same lot as a principal building or structure shall be used for dwelling purposes unless specifically permitted herein.

#### **SECTION 304 SETBACKS AND YARDS**

- A. No lot or parcel shall be reduced or diminished so that setbacks, yards or other setback requirements are less than specified herein, nor shall the area of any lot or parcel be reduced below the minimum requirements established herein for the district in which such lot or parcel is located.

**SECTION 305            STANDARDS FOR SINGLE AND MULTIPLE FAMILY DWELLING STRUCTURES**

- A. No site-built single-family dwelling or manufactured home located outside of a manufactured housing park shall be permitted unless the dwelling conforms to the following standards.
  - 1. The minimum requirement for habitable floor area (excluding garage, uninsulated storage areas, and areas with less than a floor to ceiling height of seven (7) feet, six (6) inches) for a single-family structure is eight hundred (800) square feet.
  - 2. Each single-family structure shall have a minimum width across any front, side, or rear elevation of fourteen (14) feet. Breezeways, garages, porches and other appurtenances shall not be considered as measurable part of the required minimum.
  - 3. Each such dwelling unit shall be firmly attached to a perimeter foundation constructed on the site with the same or similar perimeter dimensions of the dwelling.
  - 4. Dwelling units shall not be installed with attached wheels. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
  
- B. For multiple-family dwellings, the following minimum required floor space per dwelling unit in each multiple-family structure shall be:
  - 1. Efficiency apartments            400 square feet
  - 2. One bedroom apartments        600 square feet
  - 3. Two bedroom apartments        800 square feet
  - 4. Three bedroom apartments      1,000 square feet
  - 5. Plus an additional eighty (80) square feet for each bedroom in excess of three bedrooms in any dwelling unit.
  
- C. The standards of this section shall not apply to a manufactured home located in a licensed manufactured housing park. Manufactured homes that do not conform to the standards of this section shall not be used for dwelling purposes unless located within an approved manufactured housing park, or unless used as a temporary residence as otherwise provided in this Ordinance.



## **SECTION 306      ACCESSORY USES AND STRUCTURES**

- A. Accessory structures and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations.
1. Accessory structures with roofs, including carports, garages, enclosed porches, etc. that are attached to a principal structure, shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.
    - a. For waterfront property, an attached unenclosed structure may extend up to thirty-five (35) percent into the required front yard between the principal structure and the normal high water mark.
  2. For unroofed accessory structures attached to a principal structure, such as decks and porches, setbacks shall be considered a detached accessory structure for purposes of determining side and rear yard setbacks and shall not extend more than thirty-five (35) percent in the required front yard setback.
  3. A detached accessory structure shall be located no closer than five (5) feet to the side or rear lot line and shall meet the front yard setback requirement for a principal structure.
  4. No detached accessory structure shall be closer than ten (10) feet to any other principal or accessory structure on the lot or adjacent lot.
  5. On waterfront property, detached, unenclosed accessory structures may extend up to seventy-five (75) percent into the required front yard between the principal structure and the normal high water mark. Walks, docks, stairs and other similar improvements (that are not greater in height than than eighteen (18) inches from ground level and intended to access the water feature) may be permitted to and beyond the water's edge.
- B. A swimming pool, whether above or below ground, shall be considered as an accessory structure for the purposes of determining location on property and required yards/setbacks. A swimming pool, whether temporary or permanent, shall also require a zoning permit to be issued prior to installation. Additional standards include:
1. Swimming pools are to be fenced in accordance with the State Construction Code, as amended. Any required fencing pursuant to the State Construction Code shall also meet the standards and requirements under Section 307, herein and a zoning permit must be obtained.
  2. A swimming pool may be closer than the minimum required ten (10) foot separation between accessory structures if the other accessory structure is a deck or other structure intended to be associated with the swimming pool.

The other accessory structure must be fenced in accordance with the State Construction Code requirements for fencing.

3. A swimming pool shall not be used or maintained unless adequate public health measures are periodically taken to insure that the use thereof will not cause the spread of disease. The swimming pool shall be kept clean and the water used there shall be filtered and chemically treated.

C. The following provisions shall apply to outdoor wood/corn burning furnaces/boilers (“Outdoor Furnaces”):

1. Outdoor Furnaces are permitted as an accessory structure and use to single-family residential structures (including residential outbuildings) and agricultural structures. All appropriate zoning, building, and trade permits are required prior to installation for non-agricultural uses.
2. The Outdoor Furnace shall only utilize fuels as recommended by the manufacturer of the furnace. The use of trash, plastics, gasoline, oil, rubber, garbage, petroleum treated products, pressure treated wood, leaves, paper products, cardboard, etc. are prohibited.
3. The following setbacks in addition to those required for typical accessory structures are required for locating an Outdoor Furnace on an appropriately zoned property within the Township:
  - a. An Outdoor Furnace shall be located no closer than twenty-five (25) feet to any residential or commercially utilized property.
  - b. An Outdoor Furnace shall be located no closer than fifty (50) feet to any property used for assembly purposes, including but not limited to a school, church, public park, etc.
4. The Outdoor Furnace shall be setback no less than thirty-five (35) feet from a residential or commercially occupied structure, including the principal structure where such Outdoor Furnace is an accessory.

D. On-site consumer-based, non-utility wind tower/generator/turbines (“Wind Energy System”) are permitted as an accessory use and structure in the Township subject to the following provisions and issuance of all appropriate zoning, building, and trade permits. Utility tower/generator/turbines used for commercial purposes are subject to special land use requirements herein.

1. A Wind Energy System shall not exceed a height of more than one hundred and fifty (150) feet for a Wind Energy System serving a single-family or agricultural property as measured from ground level at the base of the

structure to the maximum height of any portion of the structure, including the full extension of a vertical blade.

2. A Wind Energy System shall be setback no less than one (1) times the height of the maximum height of any portion of the structure from any property line.
3. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing a horizontal axis rotor. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.
4. A Wind Energy System shall employ automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection.
5. The Wind Energy System shall be maintained in suitable working order and condition to limit noise and prevent flying debris that would effect the personal use and enjoyment of adjacent property. The system shall not cause noise in excess of fifty-five (55) decibels beyond an adjoining property line.
6. A Wind Energy System shall comply with all applicable state construction codes and comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.) and the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.) where applicable. An interconnected Wind Energy System shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Wholly on-site consumer-based systems are exempt from this requirement.

## **SECTION 307            FENCES, WALLS AND SCREENS**

A. This Ordinance contains requirements for the screening and buffering of use and structure approved by the Planning Commission from adjacent properties by use of landscaping, fencing and walls. Property owners also may voluntarily create screening and buffering from adjacent properties and uses for purposes of privacy and containment. All fences, walls and screening shall meet the following general standards unless otherwise permitted herein:

1. Within the required front yard setback of a single-family residential property, no fence, wall, or screen shall exceed three (3) feet in height. No such fence, wall or screen located within a side or rear yard shall exceed six (6) feet in height. In a non-residential district, no fence, wall, or screen shall exceed twelve (12) feet in height.
2. On any corner lot in any district, no fence, wall, or screen shall obstruct the visibility of street vehicular traffic between the heights of three (3) feet and

ten (10) feet in an area measuring thirty (30) feet from the point of intersection of the street right-of-way lines and the tangent connecting the thirty (30) foot extremities of the intersecting right-of-way lines.

3. Masonry screening walls shall be designed and constructed so as not to modify natural drainage in such a way as to impact adjacent property.
4. Electrified or barbed wire, spikes, nails or similar on top or on the sides of any fence are prohibited unless associated with a verifiable agricultural operation. Barbed wire and barbed wire cradles may be placed on top of fences enclosing public utility buildings or structures as deemed necessary in the interests of public safety by the Planning Commission.
5. No fence shall be permitted that constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, nor which will interfere with access by emergency services in case of fire to buildings in the vicinity or which will constitute a hazard to street traffic or to pedestrians.

#### **SECTION 308           MOVING BUILDINGS/STRUCTURES**

- A. No structure within or outside of the Township shall be relocated upon any parcel or lot within the Township unless the following standards and conditions are met:
  1. A zoning permit must be applied for and approved to establish that the relocated structure conforms to all requirements of the respective zoning district.
  2. No structure within the Township shall be relocated, moved or demolished without inspection by the Building Inspector deeming such structure as safe and compliant with provisions of the State Construction Code.
- B. No structure being relocated to a parcel or lot within the Township shall be placed or stored until the aforementioned zoning permit and compliance with the State Construction Code is determined.

#### **SECTION 309           HEIGHT REQUIREMENT EXCEPTIONS**

- A. The following are exempted from height limit requirements of this Ordinance, provided that no portion of the excepted structure may be used for human occupancy or be at a height greater than necessary to accomplish the purpose for which it is intended to serve:
  1. Those purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments, and do not exceed seventy-five (75) feet in height.

2. Those necessary appurtenances to mechanical or structural functions, such as chimneys, smokestacks, water tanks, elevators, grain legs, penthouses, ventilators, bulkheads, short-wave radio towers, masts and aerials, television antennas, fire and hose towers, or other similar structures where the manufacturing process or technological feasibility requires a greater height but do not exceed one hundred (100) feet in height.
3. Those uses accounted for as a use permitted only by special land use approval where the height of such structure is governed by the special land use regulations.

### **SECTION 310            ESSENTIAL SERVICES**

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the permitting process of this Ordinance, but not the basic provisions of this Ordinance protecting the public health, safety and welfare.

The erection, operation, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead, gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, police call boxes, towers, poles, recycling bins and other similar equipment or accessories reasonably in connection therewith (not including buildings) for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

### **SECTION 311            TEMPORARY STRUCTURES AND USES**

- A. Temporary structures are permitted in all districts as described below and as authorized by a temporary zoning permit issued by the Zoning Administrator:
  1. A temporary structure for residential occupancy may be placed during renovation or replacement of a principal structure damaged by fire (or some other cause beyond the control of the owner) to the extent that it is no longer safe for human occupancy.
  2. A temporary zoning permit may be issued to allow a mobile manufactured house or travel trailer to be placed on the property subject to the following standards and conditions:

- a. Proposed water supply and sanitary facilities must be approved by the agency responsible for such matters.
  - b. All applicable dimensional requirements for setbacks, bulk and yard requirements within said district shall apply to temporary dwellings.
  - c. The temporary structure must be removed when repair of damage is complete, but in no case shall it be located on the lot or parcel for more than three-hundred and sixty-five (365) days . An extension for ninety (90) days may be granted if significant progress is being made or in the event of unforeseeable circumstances.
3. Temporary structures incidental to construction of a non-residential development, or a residential development having more than ten (10) dwelling units are permitted by application and approval of a zoning permit. Said temporary structure shall be removed within fifteen (15) days after construction is complete, but in no case shall the structure be allowed to occupy the subject property for more than three-hundred and sixty-five (365) days.
  4. No garage, barn, or accessory structure, or cellar, whether fixed or portable, shall be used or occupied as a dwelling.
  5. Travel trailers or motor homes may be occupied for a period not to exceed fifteen (15) days in one year unless in an approved travel trailer park or campground, unless found to be applicable under Item 1, above, where occupancy is required during the reconstruction of residence. Travel trailers or motor homes may be stored unoccupied on a parcel year round. No more than three (3) travel trailers can be occupied and/or stored on parcel of land without site plan approval by the Planning Commission.
- B. Temporary uses are permitted in certain districts as described below and as authorized by a temporary zoning permit issued by the Zoning Administrator:
1. Garage sales, rummage sales, yard sales, moving sales, and similar activities shall be considered temporary accessory uses within any residential zoning district without a temporary zoning permit as long as such sale period does not become excessive. Excessive shall mean exceeding four (4) sales events lasting no more than three (3) days for each event within a six (6) month period held in any one location.
  2. Temporary real estate offices are permitted within approved development projects consisting of ten (10) or more parcels, lots, or units for sale, lease or rent. No cooking or sleeping accommodations shall be maintained. The permit shall be valid for not more than one (1) year, but is renewable.

**SECTION 312            MAINTENANCE OF JUNK/BLIGHT PROHIBITED**

- A.    The purpose of this section is to promote the general safety and welfare of the residents and property owners of the Township by the regulation, prevention, reduction or elimination of the blight or potential blight in the Township through the prevention or elimination of certain causes of blight or factors that contribute to blight that exists or may in the future exist.
  
- B.    No person, firm, corporation or entity of any kind shall maintain or allow to be maintained upon any property in the Township owned, leased, rented or occupied or possessed by such person, firm, corporation or entity any of the following uses, structures, or impurities that are hereby determined to be causes of blight or blighting factors, which, if allowed to exist, will tend to result in blighted or undesirable conditions that threaten the public health, safety and welfare.
  - 1.    Any parking, storage or accumulation of inoperable motor vehicles outside of a completely enclosed structure for a period in excess of thirty (30) days unless otherwise permitted herein as an principal or accessory use.
  
  - 2.    The storage of building materials outside of completely enclosed structure for a period in excess of thirty (30) days unless otherwise permitted herein as an principal or accessory use. If the storage of building materials is associated with the construction of a structure with an active zoning and building permit. Upon issuance of occupancy, building materials storage is subject to the thirty (30) days requirement.
  
  - 3.    The storage or accumulation of junk, trash, rubbish, or refuse of any kind outside of a completely enclosed structure in any area for a period in excess of thirty (30) days unless otherwise permitted herein as an principal or accessory use.
  
  - 4.    Any structure or part thereof which because of fire, wind, or other natural disaster, or merely by virtue of physical deterioration, is no longer habitable as a dwelling or useful for any other permitted purpose or use as originally intended.

**SECTION 313            REGULATIONS OF OTHER AGENCIES**

- A.    All zoning permits, site plans, special land uses, Planned Unit Developments, site condominiums, plats and other development projects shall conform with the provisions of this Ordinance and the regulations and standards of all local, county, state and federal agencies and regulations having jurisdiction.
  - 1.    These agencies include, but are not limited to, the following:
    - a.    Gratiot County Drain Commissioner

- b. Gratiot County Road Commission
  - c. State Construction Code
  - d. State Fire Marshall and local Fire Code.
  - e. Soil Erosion and Sedimentation Ordinance Local Enforcing Agency
  - f. Michigan Department of Environmental Quality.
  - g. Gratiot County Health Department.
  - h. All local, county, state and federal regulations related to loading/unloading, transport, storage, use and/or disposal of hazardous substances.
2. The Zoning Administrator shall not issue a zoning permit for any land use which requires a county, state, or federal permits, until such permits have been obtained and satisfactory evidence has been submitted verifying the acquisition of the necessary permits.

**SECTION 314            CONDOMINIUM SUBDIVISIONS**

- A. A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district shall be considered in accordance with State of Michigan Public Act 59 of 1978, as amended, and this Section.
- B. A condominium subdivision shall be subject to preliminary approval by the Planning Commission, at a public meeting, but a public hearing need not be required unless the Planning Commission determines to convene a public hearing, and in that event, the notice for such a hearing shall be the same as that required for consideration of a special land use. If on consideration of the condominium subdivision, the Planning Commission determines that all applicable requirements are satisfied, the Commission members shall grant preliminary approval of the subdivision and recommend that the Township Board grant final approval.
- C. Following preliminary approval and recommendation by the Planning Commission, the condominium subdivision (including any changes and/or additions required by the Planning Commission) shall be submitted to the Township Board. The Board shall consider the condominium subdivision at a public meeting. If the Township Board determines that all applicable requirements are satisfied, the Board shall adopt a motion or a resolution granting final approval of the condominium subdivision, subject to compliance with other applicable ordinance and state law requirements.



- D. In their respective approvals of a condominium subdivision, the Planning Commission and Township Board may impose terms and conditions consistent with those which could properly be included in the approval of a platted subdivision under the terms of the Land Division Act.
- E. In other respects, consideration and approval of a condominium subdivision shall be conducted as nearly as possible in accordance with the procedures specified by the Land Division Act for platted subdivisions.

**SECTION 315 CONTINUED CONFORMANCE WITH REGULATIONS**

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements for a building or use specified within this Ordinance, including those standards and conditions established through site plan and special land use review and approval shall be a continuing obligation of the owner of such building or property on which such building or use is located.

**SECTION 316 PREVIOUSLY APPROVED SITE PLANS & SPECIAL LAND USES**

- A. Nothing in the Ordinance shall require changes to site plans or special land uses approved under previous version of the Ordinance, except where construction of structures and/or installation of use as approved under previous site plan or special land use procedure has not been commenced within one-hundred eighty (180) days after the effective date of this Ordinance and the buildings, structures and/or installation of use shall be completed as authorized within two (2) years after the date of adoption of this Ordinance.
- B. If commencement or completion has not been achieved within the time specifications listed above, the site plan and special land use shall automatically be null and void. Approval of a site plan or special land use under this Ordinance is required to commence, complete or receive a certificate of occupancy.

**SECTION 317 STRUCTURAL DAMAGE**

- A. Any structure or building which may be in whole or in part destroyed by fire, windstorm, or other such cause, if rebuilt, shall be rebuilt in accordance with this Ordinance, except as otherwise permitted in this Ordinance, or shall be restored to a safe and healthy condition with all debris removed from the site within three-hundred and sixty-five (365) days from the occurrence of such damage.
- B. Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy.

**SECTION 318 AIRPORT LAYOUT AND/OR APPROACH PLAN.**

The guidelines set forth in airport layout and approach plans on file with the Zoning Administrator shall be utilized in the review and approval of zoning permits, site plans, special land uses, variances, appeals and interpretations, and amendment to the Ordinance.

**SECTION 319 HOME OCCUPATION**

- A. A home occupation shall be permitted in all residential districts by zoning permit and shall be conducted entirely within the dwelling, as defined herein. Home occupations shall satisfy the following conditions:
1. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses outside the confines of the dwelling.
    - a. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
  2. The home occupation shall only apply to the person who resides in the dwelling. No employees who do not reside at the premises are permitted.
  3. No outdoor storage shall be permitted.
  4. There shall be no change in the exterior appearance of the building or premises or other visible evidence of the conduct of such home occupation. An advertising sign is permitted pursuant to provisions provided in Article 12.
  5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected for a single-family dwelling. Any need for parking generated by the conduct of such home occupation shall be met off-street in a typical residential driveway of sufficient size.
  6. The regulation of home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such flexibility is not intended to allow the essential residential character of residential districts.
  7. Limited retail sales may be permitted on the premises, as an incidental, rather than principal activity of a home occupation.
  8. The home occupation shall not occupy more than twenty-five percent (25%) of the gross floor area of one floor of said dwelling unit.

9. The home occupation shall not entail the use or storage of explosive, flammable, or otherwise hazardous materials.
10. There shall be no equipment or machinery used in connection with a home occupation which is industrial in nature, such as automobile repair, large engine repair, machining, fabrication or similar and like processes. Small engine and equipment repair, such as for lawn mowers, chainsaws, and snow blowers, is permitted.
11. Limited visits by customers shall be limited to the hours of 8:00 A.M. to 8:00 P.M.

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## **ARTICLE 4**

### **ZONING DISTRICTS AND SCHEDULE OF REGULATIONS**

#### **SECTION 401 ESTABLISHMENT OF DISTRICTS**

- A. For the purpose of this Zoning Ordinance (“Ordinance”), Fulton Township (“Township”) is hereby divided into the following zoning districts, which shall be known by the following respective titles:

A-1, Agricultural District  
R-1, Residential District  
C-1, Commercial District  
I-1, Industrial District  
MH, Manufactured Housing Community District  
PUD, Planned Unit Development

#### **SECTION 402 ZONING DISTRICT MAP**

- A. The boundaries of the respective districts provided in this Ordinance are defined and established as depicted on the map entitled “OFFICIAL ZONING MAP OF FULTON TOWNSHIP, GRATIOT COUNTY, MICHIGAN” (“Zoning Map”).
1. The Zoning Map (including all notations, references and explanatory matter, is part of and shall be published as part of this Ordinance. The Zoning Map shall be of the same force and effect as if the districts shown were fully set forth herein.
  2. This Zoning Map and all amendments thereto, shall be filed with the Township Clerk for purposes of having an official Zoning Map on file with the Township. The Zoning Map held by the Township Clerk shall be the sole official Zoning Map and the final authority as to the zoning status for a lot, parcel, area or structure.
- B. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Zoning Map, such changes shall be made on the Zoning Map.

#### **SECTION 403 INTERPRETATION OF DISTRICT BOUNDARIES**

- A. Where there is an uncertainty, contradiction, or conflict as to the exact location of any zoning district boundaries shown on the Zoning Map that can not be reasonably

ascertained by the Zoning Administrator, interpretation concerning the location of district boundary lines shall be determined by the Board of Appeals.

1. The Board of Appeals, in arriving at a decision on such matters, shall apply the following standards. These same standards shall be also used by the Zoning Administrator in their review of district boundaries.
  - a. Boundaries indicated as approximately following a street or highway, the center lines of said streets or highways shall be construed to be such boundaries.
  - b. Boundaries indicated as approximately following a section line, quarter section line or other survey line shall be construed as following such lines.
  - c. Boundaries indicated as approximately following lot, parcel or property lines shall be construed as following such lines.
  - d. Boundaries indicated as approximately following a corporate boundary line shall be construed as following such lines.
  - e. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the rails of the tracks, or in the case of multiple tracks, the midway point between the outside rails.
  - f. Boundaries indicated as following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of change in the shorelines shall be construed as moving with the actual shorelines.
  - g. Boundaries indicated as following the center line of a stream, river, regulated drain shall be construed as following such center line.
  - h. A distance not specifically indicated shall be determined by the scale of the map.

#### **SECTION 404      ZONING OF VACATED AREAS**

Whenever any street, alley or other public right-of-way within the Township is vacated by official governmental action, the lands within that vacated area shall attach to and become a part of adjoining lands. Such vacated lands shall automatically without further action by the Township acquire and be subject to the same zoning regulations as are applicable to lands to which it is attached and shall be used for those uses as is permitted under this Ordinance.

**SECTION 405      FILL/CREATED LAND**

Whenever any fill is placed in any lake or stream, the land created shall automatically and without further formal action by the Township shall be subject to the same zoning regulations as are applicable to lands to which the created land shall attach or be adjacent to. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land by which the lake or stream shares boundary with. Such fill shall require approval by appropriate governmental agencies including, but not limited to, the Drain Commissioner with jurisdiction and Michigan Department of Natural Resources and Environment.

**SECTION 406      ZONING DISTRICT USES**

- A. Each zoning district is established for the public, health, safety and welfare of the general public and other intents and purposes as described in Section 103 of this Ordinance. Uses are permitted by-right or by special land use approval. Regulations are to be applied uniformly for each class of land, building, structure or uses within each district.
  - 1. A permitted use shall be permitted by-right only if specifically listed as such under a particular zoning district. Being permitted by-right does not exclude the necessity of a zoning permit, site plan review or other applicable reviews and permits.
  - 2. A special land use shall be permitted only if specifically listed as such under a particular zoning district. Special land uses are subject to public hearing and requirements particular to the use to mitigate possible impacts to adjacent properties and the community. Uses permitted by special land use are subject to reasonable conditions for similar purposes.
  
- B. A petitioned use of land, building, or structure not specifically listed under the provisions of any of the zoning districts herein described as a permitted or special land use shall be considered by the Planning Commission for inclusion in such district based on the following:
  - 1. The Planning Commission shall assess the characteristics of the petitioned use for its nature, class, similarity and compatibility to other uses listed in the district where the petitioned use is proposed.
  - 2. The Planning Commission shall assess if the petitioned use causes no greater negative impact than the other uses listed in the district where the petitioned use is proposed.
  - 3. If the petitioned use is found not to have these characteristics as set forth above, the Planning Commission or Township Board shall schedule a public hearing to consider the use as a potential amendment to the text of the

Ordinance pursuant to the necessary provisions and requirements of this Ordinance.

## **SECTION 407      INTENT OF DISTRICTS**

A.     The intent and purpose of each district is set forth as follows:

1.     A-1, Agricultural District - It is the intent and purpose of the A-1 district to provide a district in which agriculture, traditional farm homesteads, and low density single-family residential development may occur in close proximity to each other (along with other compatible uses). The prevalent use of the A-1 district is considered to be agricultural, transitional from agriculture to residential, and residential. The regulations of this district are designed to conserve and protect agricultural uses, while accommodating low-density residential uses and their related accessory uses. These regulations are also designed to exclude uses and structures that demand substantial public services, such as major thoroughfares, public sewer or water facilities and other public services.
2.     R-1, Residential District - It is the intent and purpose of this district to establish and preserve low-density single family detached neighborhoods free from other uses except those that are both compatible with and convenient to the residents of such a district. It is also the intent of this district to permit by special land use higher density residential development, such as duplexes and multiple-family structures, as long as such development does not disrupt the continuity of existing single-family residential development.
3.     C-1, Commercial District - It is the intent and purpose of the C-1 district to preserve and encourage commercial, office and service uses that are convenient to the residents of the community while preserving the general residential character of the community, such as provisions for urban residential opportunities above first-floor commercial and office uses. The provisions of this district are intended to encourage commercial development in planned centers that are appropriately located to serve and be accessed by both pedestrian and vehicular modes of travel.
4.     I-1, Industrial District - It is the intent and purpose of the I-1 district to preserve and encourage manufacturing and fabrication uses that are convenient to the residents and businesses of the community. The provisions of this district are intended to encourage industrial development in planned centers that are appropriately located near major transportation routes.
5.     MH, Manufactured Housing Community District - It is the intent and purpose of the MH district to establish standards and regulations for the location of neighborhoods comprised of manufactured homes and associated facilities.



The district is intended to be located in areas serviced by adequate public utilities and services, such as sewer, water, fire, police, etc. and where such district will not strain existing public utilities and services.

6. PUD, Planned Unit Development - It is the intent and purpose of the PUD district to: encourage the use of the land in accordance with its natural characteristics and adaptability; conserve natural features; manage the expenditure of energy; encourage innovation in land use planning to bring about compatibility in design and of use; provide for usable and functional open space; provide enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the current and future citizens of the Township. In that the PUD can be utilized for the development of a variety of uses that are found in other districts, the intents and purposes of other districts are applicable given the proposed uses being presented with a PUD.

**SECTION 408**

**A-1, AGRICULTURAL DISTRICT**

**A. Permitted Uses**

- |   |                                       |
|---|---------------------------------------|
| 1. Agricultural Production              | 6. Family Day Care Home               |
| 2. Accessory Use                        | 7. Home Occupation                    |
| 3. Adult Foster Care Home               | 8. Nursery and Greenhouse             |
| 4. Commercial Recreation (Outdoor)      | 9. Single-Family Detached Residential |
| 5. Essential Services and/or Structures |                                       |

**B. Special Land Uses**

- |                                   |   |
|-----------------------------------|---|
| 1. Duplex                         | 10. Group Home/Group Day Care                             |
| 2. Campground                     | 11. Mineral Extraction                                    |
| 3. Golf Course/Country Club       | 12. Veterinary Clinic (Large Animal)                      |
| 4. Church/Religious Institution   | 13. Junk Yard   |
| 5. Communication Tower            | 14. Accessory Apartment                                   |
| 6. Private Road                   | 15. Utility-Scale Wind Energy Conversion System/Wind Farm |
| 7. Home Based Business            |   |
| 8. Commercial Recreation (Indoor) |   |
| 9. Commercial Kennel              |   |

**C. Dimensional Requirements**

SCHEDULE OF REGULATIONS AND DIMENSIONAL REQUIREMENTS	Minimum Lot Size by Zoning District		Maximum Height of Structures		Minimum Yard Setback Per Lot/Parcel in Feet from the Road Right-of-Way or Property Line			Maximum Percentage of Lot Area Coverage	Maximum Ratio of Lot Depth/Width.
	Area in Sq. Ft.	Width in Feet	In Stories	In Feet	Front	Each Side	Rear	For All Structures	For All Parcels/Lots Less Than 10-Acres In Size
A-1, Agricultural District	20,000-sf.	100	2	35	50	30	50	25%	4 to 1

***DISTRICT USES AND REGULATIONS MAY ALSO BE SUBJECT TO SECTIONS 414 & 415.***

**SECTION 409**

**R-1, RESIDENTIAL DISTRICT**

**A. Permitted Uses**

- |                           |   |
|---------------------------|---|
| 1. Accessory Use          | 5. Essential Services and/or Structures |
| 2. Duplex                 | 6. Home Occupation                      |
| 3. Adult Foster Care Home | 7. Single-Family Detached Dwelling      |
| 4. Family Day Care Home   |   |

**B. Special Land Uses**

- |   |                               |
|---|-------------------------------|
| 1. Church/Religious Institution                 | 7. Group Home/ Group Day Care |
| 2. Adult Congregate Convalescent                | 8. Multiple-Family Dwellings  |
| 3. Accessory Apartment                          | 9. Private Road               |
| 4. Bed & Breakfast                              | 10. Accessory Apartment       |
| 5. Duplex                                       |                               |
| 6. Private nursery, primary or secondary school |                               |

**C. Dimensional Requirements**

SCHEDULE OF REGULATIONS AND DIMENSIONAL REQUIREMENTS	Minimum Lot Size by Zoning District		Maximum Height of Structures		Minimum Yard Setback Per Lot/Parcel in Feet from the Road Right-of-Way or Property Line			Maximum Percentage of Lot Area Coverage	Maximum Ratio of Lot Depth/Width.
	Area in Sq. Ft. or Acres	Width in Feet	In Stories	In Feet	Front	Each Side	Rear	For All Structures	For All Parcels/Lots Less Than 10-Acres
R-1, Residential District	8,000-sf.	100	2.5	35	10	6	10	50%	4 to 1

***DISTRICT USES AND REGULATIONS MAY ALSO BE SUBJECT TO SECTIONS 414 & 415.***

**SECTION 410**

**C-1, COMMERCIAL DISTRICT**

**A. Permitted Uses**

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>1. Accessory Use</li> <li>2. Financial and Business Service Establishment (Banks, Credit Unions, Insurance Offices, Etc.)</li> <li>3. Government Facilities/ Structures</li> <li>4. Personal Service (Salon, Barber, Fitness, Tailor, Etc.)</li> <li>5. Professional Offices (Doctors, Attorneys, Engineers, Etc.)</li> </ul> | <ul style="list-style-type: none"> <li>6. Church/Religious Institution</li> <li>7. Food Services (Grocery, bakery, Restaurant, Deli, Eatery, etc.)</li> <li>8. Retail (Commodity Based Sales)</li> <li>9. Funeral Homes</li> <li>10. Essential Services and/or Structures</li> </ul> |
|--|--|

**B. Special Land Uses**

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>1. Amusement Center</li> <li>2. Adult Use</li> <li>3. Adult Congregate Convalescent</li> <li>4. Commercial Recreation (Indoor)</li> <li>5. Bar/Tavern/Club/Lodge</li> <li>6. Day Care Center</li> <li>7. Drive-Thru in Association with a Permitted or Special Land Use</li> <li>8. Open Air Business/Equipment Rental</li> <li>9. Contractor's Establishment With Outside Storage</li> </ul> | <ul style="list-style-type: none"> <li>10. Vehicle Repair and Service; Sales and Rental; &amp; Fueling Station/Vehicle Wash</li> <li>11. Mini-Storage Facility</li> <li>12. Planned Shopping Center</li> <li>13. Communication Tower</li> <li>14. Veterinarian Clinic (Small Animal)</li> <li>15. Recycling Facility</li> <li>16. Commercial &amp; Residential Mixed-Use</li> <li>17. Agricultural Processing/Distribution</li> </ul> |
|--|---|

**C. Dimensional Requirements**

<b>SCHEDULE OF REGULATIONS AND DIMENSIONAL REQUIREMENTS</b>	Minimum Lot Size by Zoning District		Maximum Height of Structures		Minimum Yard Setback Per Lot/Parcel in Feet from the Road Right-of-Way or Property Line			Maximum Percentage of Lot Area Coverage	Maximum Ratio of Lot Depth/Width.
	Area in Sq. Ft. or Acres	Width in Feet	In Stories	In Feet	Front	Each Side	Rear	For All Structures	For All Parcels/Lots
C-1, Commercial District	21,780-sf.	40	3	35	50	30	40	70%	4 to 1

***DISTRICT USES AND REGULATIONS MAY ALSO BE SUBJECT TO SECTIONS 414 & 415.***



**SECTION 411**

**I-1, INDUSTRIAL DISTRICT**

**A. Permitted Uses**

- |   |  |
|---|--|
| 1. Accessory Use                        | 4. Light Manufacturing/Fabrication         |
| 2. Government Facilities/<br>Structures | 5. Essential Services and/or<br>Structures |
| 3. Warehousing                          | 6. Mini-Storage Facility                   |

**B. Special Land Uses**

- |   |  |
|---|--|
| 1. Commercial Recreation (Indoor)   | 6. Heavy<br>Manufacturing/Fabrication      |
| 2. Open Air Business/Equipment<br>Rental  | 7. Veterinarian Clinic (Small<br>Animal)   |
| 3. Contractor's Establishment With<br>Outside Storage                                 | 8. Recycling Facility                      |
| 4. Vehicle Repair and Service;<br>Sales and Rental; & Fueling<br>Station/Vehicle Wash | 9. Agricultural<br>Processing/Distribution |
| 5. Communication Tower  |  |

**C. Dimensional Requirements**

SCHEDULE OF REGULATIONS AND DIMENSIONAL REQUIREMENTS	Minimum Lot Size by Zoning District		Maximum Height of Structures		Minimum Yard Setback Per Lot/Parcel in Feet from the Road Right-of-Way or Property Line			Maximum Percentage of Lot Area Coverage	Maximum Ratio of Lot Depth/Width.
	Area in Sq. Ft. or Acres	Width in Feet	In Stories	In Feet	Front	Each Side	Rear	For All Structures	For All Parcels/Lots
I-1, Industrial District	21,780-sf.	40	3	35	50	30	40	70%	4 to 1

***DISTRICT USES AND REGULATIONS MAY ALSO BE SUBJECT TO SECTIONS 414 & 415.***

**SECTION 412**

**MH, MANUFACTURED HOUSING COMMUNITY DISTRICT**

**A. Permitted Uses**

- |  |   |
|--|---|
| 1. Accessory Use                         | 4. Public and Private Recreation        |
| 2. Community/Association Building/Office | 5. Essential Services and/or Structures |
| 3. Manufactured Housing Park             |   |

**B. Special Land Uses**

- |                                  |  |
|----------------------------------|--|
| 1. Adult Congregate Convalescent | 3. Recycling Facility (Small Collection) |
| 2. Day Care Center               |  |

**C. Dimensional Requirements**

SCHEDULE OF REGULATIONS AND DIMENSIONAL REQUIREMENTS	Minimum Lot Size by Zoning District		Maximum Height of Structures		Minimum Yard Setback Per Lot/Parcel in Feet from the Road Right-of-Way or Property Line			Maximum Percentage of Lot Area Coverage	Maximum Ratio of Lot Depth/Width.
	Area in Sq. Ft. or Acres	Width in Feet	In Stories	In Feet	Front	Each Side	Rear	For All Structures	For All Parcels/Lots
MH, Manufactured Housing Community District	20-acres per district	200-ft. per dist.	*	*	*	*	*	*	4 to 1 per district.

***DISTRICT USES AND REGULATIONS MAY ALSO BE SUBJECT TO SECTIONS 414 & 415.***

**SECTION 413**

**PUD, PLANNED UNIT DEVELOPMENT**

**A. Permitted Uses**

1. All uses permitted in this Ordinance herein and subject to the provisions, processes and procedures outlined in Article 9.

**B. Special Land Uses**

1. All special land uses permitted in this Ordinance herein and subject to the provisions, processes and procedures outlined in Article 9.

**C. Dimensional Requirements**

SCHEDULE OF REGULATIONS AND DIMENSIONAL REQUIREMENTS	Minimum Lot Size by Zoning District		Maximum Height of Structures		Minimum Yard Setback Per Lot/Parcel in Feet from the Road Right-of-Way or Property Line			Maximum Percentage of Lot Area Coverage	Maximum Ratio of Lot Depth/Width.
	Area in Sq. Ft. or Acres	Width in Feet	In Stories	In Feet	Front	Each Side	Rear	For All Structures	For All Parcels/Lots
PUD, Planned Unit Development District	*	*	*	*	*	*	*	*	4 to 1

\* To be determined in the PUD Review and Approval Process

***DISTRICT USES AND REGULATIONS MAY ALSO BE SUBJECT TO SECTIONS 414 & 415 .***



## SECTION 414      ADDITIONAL GENERAL REQUIREMENTS

- A.     The following are additional general requirements per individual zoning district or for all districts.
1.     All structures in any district that are required to have bathroom facilities by the State Construction Code are required to be served by public sanitary sewer or a private sanitary treatment facility approved by the Michigan Department of Environmental Quality (“MDEQ”) or Gratiot County Health Department (“Health Department”) depending on number of dwelling units served.
  2.     Minimum required frontage is measured along only one street right-of-way and along a contiguous frontage along that street right-of-way.
  3.     Where curvilinear street patterns or cul-de-sacs result in irregularly shaped lots with non-parallel side lot lines, no less than eighty (80) percent of the minimum lot width shall be required at the street right-of-way provided one hundred (100) percent of the minimum lot width is met at the required front yard setback.
  4.     Minimum lot size excludes portion of lot within the right-of-way.
  5.     For properties with frontage on a lake or river, the front yard may be that boundary of the property having frontage on the lake or river.
  6.     For development or redevelopment of established lots in the R-1 district for single or two-family purposes, the minimum required front yard setback shall be the average of the existing structures immediately to the left and right of the proposed lot development or as can be reasonably assumed as applicable to the intent of this section.
    - a.     In the case of a corner lot where a front yard is required from each street, the minimum required front yard setback shall be no less than the nearest structure on each street where a front yard is required.
    - b.     In no case shall any structure be located closer than ten (10) feet from the road right-of-way.
  7.     For the use of existing structures or the redevelopment of lots in the C-1 or I-1 district for commercial and industrial purposes, the minimum required front yard setback shall be the average of the existing structures immediately to the left and right of the proposed lot development or as can be reasonably assumed as applicable to the intent of this section.
  8.     Excepting parcels ten (10) acres or more, all parcels created within the zoning jurisdiction of the Township shall meet the minimum depth to width ratio of four (4) to one (1).

**SECTION 415            ADDITIONAL REQUIREMENTS FOR TWO-FAMILY &  
MULTIPLE FAMILY USES**

- A.     The following are additional requirements and standards for two-family and multiple-family dwellings where permitted in the underlying district.
1.     Two-family dwellings (duplex) shall have a minimum lot size one and a half (1 ½ ) times the minimum lot area required in the district.
  2.     Multiple-family dwellings, which are served by public sanitary sewers or private community systems/facilities as approved by MDEQ, shall comply with the following lot area requirements per dwelling unit in addition to the minimum required lot area as set forth under district where permitted:
    - a.     Efficiency unit =
    - b.     One bedroom unit =    1,500 square feet
    - c.     Two bedroom unit =    2,000 square feet
    - d.     Three bedroom unit =   2,500 square feet
  3.     Where two (2) or more multiple, row or terrace dwelling structures are erected on the same lot or parcel, a minimum distance between any two (2) structures shall be equal to the height of the highest structure. Maximum building length shall not exceed one hundred (100) feet.
  4.     Multiple dwelling structures shall have a twenty-five (25) foot setback between the structure and a perimeter property line that abuts a single-family residential district.

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## ARTICLE 5

### SITE PLAN REVIEW

#### SECTION 501 PURPOSE AND JURISDICTION

- A. It is the purpose of this Article to specify improvements requiring site plan review and approval under this Ordinance, as well as to identify the standards and data requirements necessary for the preparation of a site plan to be submitted for review and approval. The intent of this Article and the site plan review and approval process as outlined is to coordinate and apply the provisions of this Ordinance to develop the Township of Fulton (“Township”) in an orderly fashion to protect the public health, safety and welfare of the citizens, residents and businesses of the community.
- B. Unless otherwise specifically addressed, the Planning Commission shall have the authority to review, approve, approve with conditions, or deny a site plan as required by this Ordinance.
- C. Prior to issuance of a zoning permit, building permit or commencement of earth moving or construction for any of the following, site plan review and approval is required:
1. In residential districts, all non-residential uses or uses permitted by-right that are determined to have a greater impact to traffic, noise and dust than a single-family residence, such as, but not limited to churches, group homes/day cares, home based business, etc. Site plan review and approval by the Planning Commission is required. Additions less than four hundred (400) square feet may be able to be considered under administrative site plan review at the discretion of the Zoning Administrator.
  2. Proposed single-family residential development consisting of more than one (1) lot or parcel where road frontage and access is to be provided by a proposed shared drive, service road, private or public road. Site plan review by the Planning Commission is required if three (3) or more lots or parcels are proposed or planned. Administrative site plan review is required for two (2) lots or parcels planned or proposed to be accessed by a shared driveway or access easement.
  3. Multiple-family structure(s) consisting of three (3) or more units shall require site plan review and approval by the Planning Commission.
  4. Any use, structure or addition in a non-residential zoning district greater than four hundred (400) square feet shall require site plan review by the Planning Commission. Any use, structure or addition in a non-residential zoning district that is less than four hundred (400) square feet shall require

administrative site plan review. Multiple use areas, structures or additions shall not exceed twelve hundred (1,200) square feet over a period of three (3) years unless a site plan review is conducted and approval granted by the Planning Commission.

5. Any proposed use requiring more than five (5) parking spaces shall require site plan review and approval by the Planning Commission. If the proposed use is a change of use for an existing structure, the proposal shall be reviewed pursuant to Item 9, below.
  6. All uses requiring special land use review and approval. Pursuant to Section 602, site plan review is required by the Planning Commission and Township Board for approval of a special land use. The proposed use must receive final site plan review and approval by the Planning Commission before commencement of construction or occupancy of existing structure.
  7. A Manufactured Housing Community shall require review and approval of a site plan by the Planning Commission pursuant to Section 412.
  8. A petition for Planned Unit Development shall require a site plan reviewed and approved by the Planning Commission.
  9. Change of use of property or structure whereas the proposed permitted by-right use is more intensive than the existing or last known conforming or non-conforming use (e.g. greater parking space requirements, greater anticipated patronage, more employees, greater buffering requirements, etc.) can be reviewed and approved as an administrative site plan. If it is found by the Zoning Administrator that the increase in intensity of use may present parking, traffic, or conflicting land use or other issues, review and approval of the site plan may be required by the Planning Commission.
  10. Following approval by the Board of Appeals, the expansion of a non-conforming use or structure may require site plan review and approval by the Planning Commission if the expansion is determined by Zoning Administrator to create a more intensive use of property. If a proposed use or structure is determined to be less or equally intensive in use or the expansion of structure inconsequential, a zoning permit may be required in lieu of a site plan.
  11. All site condominium and condominium subdivisions developed pursuant to Public Act 59 of 1978, Condominium Act (MCL 559.101 et. seq.) shall require review and approval of a site plan by the Planning Commission.
- D. The Zoning Administrator shall not issue a zoning permit for commencement of a use for any of the above structures or uses until a final site plan has been approved and is in effect. No grading, removal of vegetation, cut, fill or excavation, or installation of

infrastructure shall be commenced until a site plan has been approved and is in effect, unless otherwise provided by this Ordinance.

## **SECTION 502            SITE PLAN REVIEW COORDINATION**

Prior to approving a site plan submitted under this Article, the review and recommendation of the Gratiot County Drain Commissioner, Gratiot County Health Department, Michigan Department of Environmental Quality, and any other appropriate technical reviews may be required as deemed appropriate by the Zoning Administrator, Planning Commission or (where applicable) the Township Board.

## **SECTION 503            SITE PLAN REVIEW APPLICATION**

- A. An application for site plan review may be filed with the Township to commence the site plan review process.
  - 1. The Planning Commission shall have the authority to require submission of a preliminary site plan separate from a final site plan where, in its opinion, the complexity and/or size of the proposed development so warrants. The Zoning Administrator shall also have the discretion to require that an administrative site plan be reviewed by the Planning Commission when the proposal presents parking, traffic or conflicting land use issues.
  
- B. Any person with a legal interest in a property may apply for site plan review and approval. All site plans shall be submitted to the Zoning Administrator and must contain the following to be accepted for review and approval:
  - 1. A completed application signed by the owner; if the owner is a corporation, a corporate officer must sign the application; if the owner is a partnership, a general partner must sign the application; if the owner is an individual, each individual owner must sign the application. If the owner(s) is not the applicant, the applicant must provide a statement from the owner that the applicant has permission to proceed. Such statement shall include a detailed description of the proposal.
  - 2. Payment of review fees as adopted and published by the Township Board.
  - 3. Ten (10) copies of the site plan drawing(s) must be provided for site plan review by the Planning Commission. Additional copies may be requested by the Zoning Administrator as necessary to submit to other agencies as set forth in Section 314. For administrative site plan review, five (5) copies of the site plan drawing shall be provided. Additional copies may be required at the discretion of the Zoning Administrator.

4. All information items as required by the sections corresponding to the particular review and approval process. If information is noted as required and it is determined by the applicant to not be applicable, the applicant shall provide such determination in writing and provide explanation as to the applicability of the information.
- C. Upon receipt of an application, the Zoning Administrator shall review for completeness. Upon determination of a complete application for site plan, the Zoning Administrator shall place the application on the next available Planning Commission meeting agenda for review. The application must be submitted and deemed complete no less than twenty (20) days before the next available Planning Commission meeting to be considered for placement on the agenda.
- D. Where it is found, for either structure or property being petitioned for site plan review, that a violation of this Ordinance exists, the Township reserves the right not to process petitions for review and approval until such time that the violation is corrected or action is taken by the Board of Appeals to bring the violation into compliance with the provisions of this Ordinance.
- E. Upon scheduling of a site plan for review and approval, the Clerk shall provide public notice under Section 206.A.1 & 2, where applicable.
- F. By submission of an application for site plan review and approval, the applicant grants permission to the Zoning Administrator and/or members of the Planning Commission the right to enter and access property under petition to review condition and situation of the property in order to make informed decisions.

#### **SECTION 504 FINAL SITE PLAN**

- A. A final site plan submitted for review and approval shall contain in proper form all of the following data prior to its submission to the Planning Commission for review.
  1. Legal description of site, property dimensions and lot area. Where a metes and bound description is used, lot line angles or bearings shall be indicated on the site drawings and the lot line dimensions and angles or bearings shall be based upon a boundary survey prepared by a registered surveyor and shall correlate with the legal description.
  2. Existing topography (contour interval of two (2) feet) and all existing natural features, including but not limited to trees, wooded areas, streams, marshes, ponds and other wetlands. A clear indication of all natural features to remain and to be removed shall be provided. Groups of trees shall be shown by an approximate outline of the total canopy, individual deciduous trees of twelve (12) inches in diameter or larger and individual evergreen trees ten (10) feet in height or greater are to be accurately located on the site plan.

3. Existing buildings, structures, and other improvements, including drives, utility poles and towers, light fixtures/lighting plan, easements, pipelines, excavations, ditches (elevations and drainage directions), bridges, culverts; clear indication of all improvements to remain and to be removed; deed restrictions, if any.
4. Owner, use, and zoning classification of adjacent properties and location and outline of buildings, drives, parking lots, other improvements on adjacent properties within fifty (50) feet of development site boundary.
5. Name of existing streets, on or adjacent to the site, and associated rights-of-way and/or easements.
6. Table showing zoning classification of the subject property, required yards and a project description to include such information as use, number of structures, units, anticipated gross square footage, anticipated usable floor area, employees by shift and other related information to assess compliance with this Ordinance.
7. Location of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water or waste water. The point of discharge for all drains and pipes shall also be specified on the site plan.
8. Location and exterior dimensions of all proposed buildings and structures and their location to be referenced to property lines or to a common base point. Distances between buildings, building height in feet, number of stories, finished floor elevations and contact grade elevations shall also be shown.
9. Grading plan, showing finished contours at two (2) foot intervals and correlated with existing contours so as to clearly indicate cut and fill required. All finished contour lines are to be connected to existing contour lines at or before the property lines.
10. Storm water management plan in compliance with any municipal standards as established by the Township.
11. Location and alignment of all proposed streets and drives and their rights-of-way (where applicable) are to shown. The site plan shall also clearly indicate surface type and width with a typical cross section of same showing surface, base, and sub-base materials, dimensions, and slope. The location and typical details of curbing and turning lanes (where applicable) with details, including location, width, surface elevations and grades of all entries and exits and curve-radii shall be provided.



12. Right-of-way expansion(s) where applicable; reservation or dedication of right-of-way to be clearly noted, dedication of right-of-way where applicable shall be executed, or provisions made for same, prior to approval of the final site plan by the Planning Commission.
13. Location and dimensions of proposed parking lots and spaces, including number of spaces in each lot, orientation and angle, barrier free spaces, aisle ways, drainage pattern of parking lot, and typical cross-section showing surface, base, and sub-base materials.
14. Location, width, and surface of proposed sidewalks and pedestrian ways meeting municipal standards.
15. Location, use, size and proposed open space, conservation areas and recreation areas and maintenance provisions for such areas.
16. Location and type of proposed screens and fences, including height, typical elevation and vertical section of screens showing materials and dimensions.
17. Location of proposed outdoor trash container enclosures, including their size, typical elevation, description of trash hauler approach and vertical section of enclosure showing materials and dimensions.
18. Location, type, size, area, height, and sketch of proposed signs. Note that a separate permit is necessary for erection of sign.
19. Landscaping plan in compliance with Article 10.
20. Location and dimensions of proposed retaining walls, including typical vertical sections.
21. Location, type, direction, and intensity of outside lighting.
22. Additional Requirements for Residential Developments.
  - a. Density calculations by type of unit by bedroom counts.
  - b. A complete schedule of the number of lots/sites, lot area per dwelling unit and type of dwelling units.
  - c. Amount and location of recreation spaces, including proposed recreational facilities, community building and other accessory uses, such as swimming pools, clubhouses, etc.
  - d. Typical building facades and elevations.

23. Additional Requirements for Non-Residential Developments.
    - a. Total and usable floor area.
    - b. Loading/unloading areas.
    - c. Number of employees at peak usage.
    - d. Typical building facades and elevations.
  24. The Zoning Administrator and/or the Planning Commission may determine that certain information cited as required for review may not be necessary or applicable given the proposed use, condition of the site, or combination of the two. Such determination must be in writing.
- B. The Planning Commission shall study the final site plan and shall approve, conditionally approve, postpone, or reject the final site plan. The Planning Commission may specify reasonable conditions, changes, or modifications to the final site plan as needed to maintain compliance with the Ordinance and to meet the Standards for Review outlined in Section 506.
- C. Following Planning Commission approval or conditional approval of the final site plan, a revised final site plan including all necessary revisions as required or conditioned by the Planning Commission shall be provided to the Zoning Administrator for compliance review.
1. Upon determination of compliance of the final site plan with the Planning Commission's approval or conditional approval, two (2) copies of the final site plan, with any conditions, shall be maintained as part of the Township records for future compliance review and enforcement. One (1) copy shall be returned to the applicant.
  2. Each copy shall be signed and dated with the date of approval by the Zoning Administrator to substantiate the identification of the approved final site plan.
  3. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the final site plan.
- D. Approval of a final site plan authorizes issuance of zoning and building permits, provided all other requirements for issuance of either permit have been met. In the case of uses without buildings or structures, approval of a final site plan authorizes issuance of a zoning permit.
- E. The approval of the final site plan shall expire and be of no effect unless a use is commenced and/or a building permit shall have been taken out within one hundred

eighty (180) days of the date of approval of the final site plan. Approval of a final site plan shall expire and be of no effect two hundred seventy (270) days following the date of approval unless construction has begun on the property and is diligently pursued in conformance with the approved final site plan.

#### **SECTION 505 ADMINISTRATIVE SITE PLAN REVIEW**

- A. An administrative site plan is a site plan required by the Zoning Administrator (1) for a purpose specified in this Ordinance; (2) if the Zoning Administrator determines that a site plan is required in order to provide additional necessary or useful information for the Planning Commission or the Zoning Administrator, with respect to a matter under consideration for approval; or (3) if the Zoning Administrator determines that a site plan covering particular aspects or features of a site is necessary or would be useful for evaluation of those aspects or features by the Planning Commission or the Zoning Administrator.
- B. An administrative site plan shall contain in proper form certain portions of Section 504 or other information or data, as determined appropriate by the Zoning Administrator. The review of an administrative site plan shall have the same force and effect as review of a final site plan.

#### **SECTION 506 STANDARDS FOR REVIEW**

- A. In reviewing a final site plan, the Planning Commission or Zoning Administrator shall consider certain standards in its review and approval of the application. These standards as outlined below are provided with the same basic intent of the Ordinance as a whole in order to protect the public health, safety and welfare of the community.
  - 1. That all required information has been provided.
  - 2. That the proposed development conforms to all regulations of the Ordinance for the district in which it is located and to the Master Plan.
  - 3. That the site plan, including all engineering drawings, meets specifications for fire and police protection, water supply, sewage disposal, storm drainage, and other public facilities and services as determined by the Township or other agency with competent jurisdiction.
  - 4. That the applicant may legally apply for the site plan review and approval.
  - 5. That the movement of the vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient. That parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets. Vehicular movement and traffic patterns shall

conform to applicable fire safety and emergency vehicle access requirements of the Authority providing such services.

6. That the proposed development will be harmonious with, and not harmful, injurious, or objectionable to, existing and future uses in the immediate area. If the site plan is not found to meet the standard, reasonable conditions of approval may be applied to meet the standard.
7. That natural resources will be preserved and that the development as proposed will not cause soil erosion or sedimentation. If the site plan is not found to meet the standard, the Planning Commission may discuss reasonable conditions that may be applied to meet the standard.
8. That the proposed development is adequately coordinated with improvements serving the subject property and other neighboring or adjacent developments. If the site plan is not found to meet the standard, reasonable conditions for approval may be applied to meet the standard.
9. That the proposed development respects natural topography and minimizes the amount of cutting and filling required. Organic, wet, or other soils that are not suitable for development are to be left undisturbed, or engineered to be utilized in an acceptable manner meeting the intent of this Ordinance.
10. That the proposed development properly respects flood ways and flood plains on or in the vicinity of the subject property.
11. That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or overloading of watercourses in the area. Site plans shall conform to the published storm water standards of the Gratiot County Drain Commission and shall conform to the Gratiot County Soil Erosion and Sedimentation Control Ordinance.
12. Loading, unloading areas and trash receptacles shall be adequately screened. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. The site plan shall provide reasonable privacy for all dwelling units located therein or adjacent to the proposed site.
13. That phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.
14. Construction, structures and buildings (including both principal and accessory) shall be in harmony with the general character of the area.

**SECTION 507            COMPLIANCE WITH AND AMENDMENT TO APPROVED  
SITE PLAN**

- A. Property subject to site plan approval shall be developed in strict compliance with the approved final site plan (including approved administrative site plan) and any amendments thereto which have received the approval of the Planning Commission (or Zoning Administrator in the case of an administrative site plan approval). If construction and development does not conform to the approved final site plan, the owner shall be cited with a violation of the Ordinance under Section 207 and a cease and desist order petitioned from a court of competent jurisdiction.
  
- B. No changes shall be made to an approved final site plan prior to, during or after construction except upon mutual agreement between the applicant and the Township and by application to the Zoning Administrator according to the following procedures:
  - 1. Minor changes to an approved final site plan involving changes in the location of buildings and structures within ten (10) feet of location identified on the site plan, adjustment of utility location, walkways, traffic ways, parking areas, and similar minor changes may be approved by the Zoning Administrator provided they would not otherwise violate a requirement of this Ordinance or require a variance from the Board of Appeals.
    - a. The Zoning Administrator shall advise the Planning Commission in a written communication the rationale for permitting the minor change and file such written communication with the approved site plan.
    - b. The Zoning Administrator may, at their discretion, require that a proposal under this Section be reviewed as a site plan by the Planning Commission. Such reasoning shall be adequately documented to the applicant.
  
  - 2. Major changes or amendments to an approved final site plan involving movement of building or structure more than ten (10) feet, change in the number and location of accesses to public streets and alleys, a reduction of more than two (2) parking spaces, an increase in the gross floor area or heights of buildings, a reduction in the open space, or similar major changes, shall require the approval of the Planning Commission, in the same manner as the original application was submitted and reviewed.

**SECTION 508            PERFORMANCE GUARANTEE**

- A. In approving a final site plan the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished by the applicant and/or property owner to ensure compliance with an approved final

site plan. Such guarantee shall be deposited with the Township Clerk prior to issuance of any zoning or building permits. In the case of an administrative site plan approval, the Zoning Administrator may require the same.

- B. In fixing the amount of such performance guarantee, such performance items shall be limited to reasonable improvements required to meet the standards of this Ordinance and to protect the natural resources or the health, safety and welfare of the residents of the community. Items included under the performance guarantee include, but not limited to roadways, lighting, utilities, sidewalks, screening and drainage. The term "improvements" does not include the entire project that is the subject of zoning approval nor to improvements for which a performance guarantee, or some other form of surety, is required pursuant to State law.

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## ARTICLE 6

### SPECIAL LAND USE REVIEW

#### SECTION 601 INTENT AND PURPOSE

- A. It is the intent of this Article to provide a set of procedures and standards for the review of specific uses of land or structures for the protection of the health, safety and general welfare of the inhabitants of Fulton Township (“Township”) in the review and approval of certain specified types of land use activities that because of their particular and unique characteristics require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Such uses, on account of their peculiar characteristics or the nature of use and services offered can not be reasonably considered as a permitted use and therefore are subject to certain standards, specific requirements and reasonable conditions associated with the characteristics and nature of the use.
- B. Use of land and/or structures possessing these characteristics may be authorized within certain zoning districts by the issuance of a special land use approval. The Township Board upon recommendation of the Planning Commission shall have the authority to grant special land use approvals.
- C. By such a procedure, the Planning Commission and Township Board shall have additional criteria in which to review the specific use as well as the opportunity to review the circumstance of the use in relation to surrounding properties and retain the ability to impose conditions and safeguards upon each use that are deemed necessary for the protection of the public welfare.
- D. Uses requiring special land use approval are specifically cited as such under the districts outlined in Article 4. Certain uses have additional provisions for their review and implementation outlined in Article 6 of this Ordinance.
  - 1. These additional provisions were created in response to the particular and unique characteristics of the use to mitigate impact and protect the continued viability and personal enjoyment of adjacent properties and their use.
  - 2. Some uses listed under the districts do not have additional provisions provided for in Article 6. These uses are still eligible for review and approval as a special land use using the basic standards and provisions of the Ordinance.

#### SECTION 602 APPLICATION

- A. Any person with a legal interest in a property may apply for special land use review and approval. An application and required information shall be submitted to the



Zoning Administrator and must contain the following to be accepted for review by the Planning Commission and Township Board:

1. A completed application signed by the owner; if the owner is a corporation, a corporate officer must sign the application; if the owner is a partnership, a general partner must sign the application; if the owner is an individual, each individual owner must sign the application. If the owner(s) is not the applicant, the applicant must provide a statement from the owner that the applicant has permission to proceed. Such statement shall include a detailed description of the proposal.
  2. Payment of review fees as adopted and published by the Township.
  3. Ten (10) copies of a site plan showing information as required under Section 504. A narrative report shall accompany the site plan providing a description of the project, discussing the concept and feasibility of the project. Additional copies may be requested by the Zoning Administrator as necessary.
  4. It shall be incumbent upon the applicant to also furnish adequate evidence in support of the proposed special land use complying with the provisions of this Ordinance. It shall be the obligation of the applicant to furnish sufficient evidence, or proof, of present and future compliance with the provisions of the Ordinance.
- B. Upon receipt of a petition for special land use approval, the Zoning Administrator and/or their assigns shall review the application for completeness. An application that does not contain the information required by this Ordinance shall be returned to the applicant and shall not constitute an official application for special land use approval.
1. An application that contains the information required by this Ordinance shall be scheduled for a public hearing before the Planning Commission. The application must be submitted no less than thirty (30) days before the next available Planning Commission meeting to be considered for placement on the agenda.
  2. Upon notification of a complete application from the Zoning Administrator, the Clerk shall provide public notice for the public hearing at which the application for special land use approval and a site plan will be heard. The Clerk shall provide public notice under Section 206.A & B.
  3. By submission of a petition for special land use review and approval, the applicant grants permission to the Zoning Administrator, members of the Planning Commission and Township Board the right to enter and access property under petition to review condition and situation of the property in order to make informed decisions.

- C. Until a petition for special land use, as prescribed herein, has been approved and until proper zoning and building permits have been granted pursuant to the special land use approval, there shall be no excavation of land, construction of structure or infrastructure, or shall there be made any use of land related to the petition for the special land use.

**SECTION 603           PROCEDURE FOR REVIEW AND DECISION**

- A. The Planning Commission shall conduct a public hearing regarding the petitioned special land use. Following the public hearing, the Planning Commission shall review the petitioned special land use and a site plan and shall take one of the following actions:
  - 1. Recommendation of Approval - Upon finding that the site plan meets the criteria and standards set forth in Sections 504 and 506, the provisions specific to the use being petitioned for as found in Article 7, and the petitioned special land use meets the basis of determination provisions under Section 604.A, the Planning Commission shall recommend approval (with or without conditions) of the special land use and site plan to the Township Board.
    - a. The Planning Commission shall make findings based on the particular facts of the petition and the analysis of conformance and compliance with the provisions of this Ordinance. These findings shall be described in a statement of conclusions formulating the basis for the decision.
    - b. If conditions are determined to be necessary to the approval of the special land use petition, the conditions shall be determined based upon the provisions of Section 604.C.
  - 2. Postponement - Upon finding that the petition for special land use approval does not meet the criteria and standards set forth in in Sections 504 and 506, the provisions specific to the use being petitioned for as found in Article 7, and the petition does not meet the basis of determination provisions under Section 604.A, but the petition could meet such criteria if revised, the Planning Commission may postpone action until requested revisions are submitted. If revisions are not submitted within three (3) months of the action to postpone by the Planning Commission, the petition shall automatically be null and void.
  - 3. Recommendation of Denial - Upon finding that the petition for special land use approval and site plan do not and cannot meet the criteria and standards set forth in Sections 504, 506, 604.A and specific provisions set forth in Article 7, the Planning Commission shall recommend denial of the petition to

the Township Board. In doing so, the Planning Commission shall define its rationale in a statement of conclusions formulating the basis for the decision.

- B. Upon receiving a recommendation from the Planning Commission, the Township Board shall review the petition for special land use, including the site plan, and the recommended conditions and revisions forwarded by the Planning Commission. Taking into consideration the recommendations of the Planning Commission and the criteria and standards set forth in Section 604.A, the Township Board may accept, modify or reject the recommendation of the Planning Commission and shall approve, approve with conditions, deny, or postpone the petition for special land use approval. The Township Board may also refer the petition back to the Planning Commission for additional consideration.
- C. If the petition for special land use is approved (with or without conditions) a final site plan must be approved pursuant to the provisions of Article 5 prior to commencement of use of land or structure for which the special land use was approved.

#### **SECTION 604 BASIS OF DETERMINATION AND CONDITIONS**

- A. The Planning Commission and Township Board shall review the particular circumstances of a petition for special land use review and approval in terms of the following standards, and shall grant its recommendation of approval or approval only upon a finding of compliance with each of the following standards (including applied conditions) as well as applicable standards established elsewhere in this Ordinance.
  - 1. The proposed use, activities, processes, materials, equipment and conditions of operation will not be detrimental to the public welfare, persons or property by reason of excessive noise, fumes, dust, glare, traffic or objectionable odors.
  - 2. Essential public facilities and services such as roads, fire and police protection, drainage facilities, refuse disposal, schools are adequate for the proposed use or are capable of being adequately provided for.
  - 3. Requirements for additional public services and facilities that will be created by the proposed use will not be detrimental to the economic welfare of the community.
  - 4. All standards set forth in this Ordinance will be complied with, including any standards set forth in this Ordinance for a particular use.
  - 5. All administrative requirements pertaining to the issuance of a special land use approval have or will be complied with.

6. The proposed use, activities, processes, materials and equipment and conditions of operations shall be consistent with the goals, objectives and policies of the Master Plan.
  7. The proposed land use or activity is compatible with the adjacent uses of land and natural environment.
- B. The Planning Commission has the ability to recommend conditions necessary to insure compliance with the preceding standards and other provisions of this Ordinance. Such conditions shall be enforced by the Zoning Administrator and shall be recorded in the record of the approval of the special land use. The Township Board shall have the ability to remove or add conditions without referral of the application back to the Planning Commission for additional review and recommendation.
- C. Conditions applied to a special land use approval shall adhere to the following standards and criteria:
1. Ensure that public services and facilities affected by a proposed use or activity will be capable of accommodating increased service and facility requirements.
  2. Promote and ensure compatibility with adjacent uses of land and to protect through screening and buffering.
  3. Protect and conserve natural resources and energy and to protect the environment and health, safety and welfare of the residents and future residents of the community.
  4. Promote the use of land in a socially and economically desirable manner and to protect the social and economic well-being of those who will use the land or activity, residents and property owners immediately adjacent to the proposed land use or activity, and the community as a whole.
  5. Be related to the valid exercise of the police power, and to the proposed use or activity.
  6. Meet the intent and purpose of this Ordinance and provisions outlined herein; be related to standards established in the Ordinance for the land use or activity under consideration; and be necessary to ensure compliance with the standards outlined as the basis for determination.

## **SECTION 605            PERFORMANCE GUARANTEE**

- A. In reviewing a petition for special land use, the Planning Commission may recommend and the Township Board may require that a cash deposit, certified check,

irrevocable bank letter of credit, or surety bond be furnished by the applicant and/or property owner to ensure compliance with an approved special land use, including conditions ultimately approved. Such guarantee shall be deposited with the Township Clerk prior to issuance of any zoning or building permits.

- B. In fixing the amount of such performance guarantee, the Township Board shall limit it to reasonable improvements required to meet the standards of this Ordinance and to protect the natural resources or the health, safety and welfare of the residents of the community. Items included under the performance guarantee include, but not limited to roadways, lighting, utilities, sidewalks, screening and drainage. The term "improvements" does not include the entire project that is the subject of zoning approval nor to improvements for which a performance guarantee, or some other form of surety, is required pursuant to State law.

#### **SECTION 606 SPECIAL LAND USE EFFECTIVE DATE AND EXPIRATION**

- A. The approved special land use shall become effective upon determination of compliance with the final site plan.
  - 1. Land subject to a special land use approval may not be used or occupied for petitioned purposes until after a zoning permit for same has been issued pursuant to this Ordinance.
  - 2. No zoning or building permit shall be issued until compliance with the Township Board's approval of the special land use has been substantiated on the final site plan.
- B. A special land use shall be valid for as long as the use, permitted development and conditions continue in accordance with the recorded terms stated therein.
  - 1. For property under an approved special land use, the provisions set forth in Section 504 regarding commencement of construction must be met. If the permit holder fails to meet the provisions of Section 504, the special land use approval shall expire and shall be of no further force and effect.
  - 2. The Township Board shall assess, at the request of the owner of property affected by the special land use, if an extension is warranted due to unique or unusual circumstances that are beyond the control of the applicant and make recommendation to the Township Board.

#### **SECTION 607 COMPLIANCE WITH SPECIAL LAND USE**

- A. It shall be the duty and obligation of the party responsible for the special land use to at all times be in compliance with the requirements of this Ordinance and the

stipulations of the special land use approval under which their particular use is governed.

- B. The development, of which the site plan and use are governed by the special land use approval, is subject to inspection by the Zoning Administrator to verify compliance with the approval and this Ordinance.
- C. Failure to maintain compliance shall constitute a violation of this Ordinance and be subject to the penalties and remedies provided in Section 207 as a nuisance per se.

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## ARTICLE 7

### SPECIAL LAND USE SPECIFIC PROVISIONS

#### SECTION 701 SPECIAL LAND USES AND SPECIFIC PROVISIONS

The following provisions apply to certain uses of land permitted by special land use as listed in zoning districts provided under Article 4. The review and approval process is as provided under Article 6 of the Ordinance. Some of the uses permitted by special land use in Article 4 do not have specific standards and are considered generally under the review procedures and standards of approval provided under Article 6. The provisions provided for the following uses shall be applied in addition to any other applicable provisions, standards or regulations contained elsewhere in this Ordinance unless specifically noted.

#### SECTION 702 ADULT GROUP HOME

- A. It is the intent and purpose of this section to establish specific standards for group homes in order to ensure that the residential character of the neighborhood, as well as the expected personal enjoyment of property by owners of residential structures in the neighborhood, is protected and encouraged.
- B. Dimensional Standards
  - 1. The property petitioned for such use shall have a minimum lot area of one thousand five hundred (1,500) square feet per resident, but shall not be less than the minimum area required in the underlying district.
  - 2. A group home shall be located no closer than one thousand five hundred (1,500) feet to another group home.
- C. Performance Standards
  - 1. The property and structure shall be developed and maintained in a manner compatible and consistent with the character of the neighborhood where it is located.
  - 2. All licenses required by the State of Michigan shall be maintained and a copy provided annually to the Zoning Administrator.
  - 3. Interior layout of the structure and provisions for community gathering spaces shall be provided so as to allow a resident of the facility the opportunity to spend the majority of non-sleeping hours outside of the residents bedroom.
  - 4. The structure shall have an identified area designed to provide privacy for visiting individuals.



## SECTION 703 ADULT USES

- A. It is the intent and purpose of this section to ensure that adult uses, which may have serious objectionable operational characteristics, will not intervene or interfere with the stable and continuous growth of the community and surrounding areas because of their potentially disruptive effect and impact on the personal enjoyment of adjacent property by adjacent property owners and their patrons. Regulation of the location of these uses is necessary to ensure that the adverse effects of such businesses will not cause or contribute to the blighting or downgrading of the residential neighborhoods or commercial centers.

The location and the manner of which such uses are implemented could act to discourage economic investment in the immediate vicinity of the adult use, affect property values, encourage residents and businesses to move or avoid the community, increase crime and contribute a blighting affect on the surrounding area. The following provisions are established to prevent the concentration of such uses and the proximity of such uses to institutional and neighborhood uses.

### B. Dimensional Standards

1. An adult use establishment shall be located, as measured horizontally between the nearest point of each property, no closer than one thousand (1,000) feet from:
  - a. any other adult use;
  - b. a public, private or parochial nursery, primary, secondary school, licensed child care facility, group home, public or private park and/or playground, or common area intended for recreational use;
  - c. any residential district or use; or
  - d. an amusement center or similar facility, such as a billiard hall, theater, recreational retail, etc., that are frequented by persons under the age of eighteen (18).
2. An adult use establishment shall not exceed a gross floor area of three thousand (3,000) square feet and must be located within a free-standing building. A shared or common wall structure or shopping center is not considered to be a free-standing building.

### C. Performance Standards

1. The site layout and structure shall be designed, constructed and maintained so that display, decoration or signage depicting or describing activities or merchandise within the structure cannot be observed by a pedestrian, occupant of a vehicle, or from an adjacent land use. Such provisions are intended to

protect minors from viewing material, message or depiction that is by law or reasonably assumed to be considered as not being age-appropriate.

2. No person shall reside or permit any person to reside within the same structure or premises of an adult use establishment.
3. Additional screening and buffering above and beyond provisions outlined elsewhere in this Ordinance for non-residential land uses may be applied by the Planning Commission or Township Board if it is found that such screening and buffering is necessary to meet the intent of this section and this Ordinance.
4. The Planning Commission and Township Board may consider other appropriate conditions, such as hours of operation or the holding of special events, that may be appropriate pursuant to the intent and purpose of this section.

#### **SECTION 704 AMUSEMENT CENTER**

- A. It is the intent and purpose of this section to establish standards for a broad category of principal uses, such as arcades, billiard/pool halls, where persons congregate for purposes of recreation. Due to the potential of these uses to attract activities, such as loitering, vandalism and truancy, the following standards are set forth to avoid and/or mitigate potential nuisances. It is not the intent of this section to regulate such uses that are accessory to a principal use, such as a pool table in a bar or skill/vending machines in a restaurant.
- B. Dimensional Standards
  1. Amusement centers shall not be located closer than fifty (50) feet from a single-family structure located on property that is zoned for single-family residential purposes or one hundred (100) feet from a property utilized as a public or private school.
- C. Performance Standards
  1. The amusement center shall have available access to a pedestrian sidewalk, as well provide accommodations for bicycle racks for non-motorists.
  2. Children under the age of sixteen (16) may not remain on the premises after 10:00 P.M. nor during normal school hours. The petitioner shall outline a process and procedure for addressing truancy issues.
  3. The operator shall demonstrate the ability to prevent problems related to potential noise, litter, loitering, crowds or similar types of issues that could

potentially create a need for law enforcement. The petitioner shall outline process and procedure for addressing such operational issues.

## **SECTION 705      BED AND BREAKFAST**

- A. It is the intent and purpose of this section to ensure that the commercial nature of a bed and breakfast is harmonious and compatible with a residential neighborhood where it may located.
- B. Performance Standards
  - 1. Each premise shall be principally occupied and operated by the owner of the premise.
  - 2. The bed and breakfast facility may have up to six (6) bedrooms used for transient guests.
  - 3. Parking shall be arranged so as not to create a negative impact on adjacent properties or necessitate on-street parking.
  - 4. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more then thirty (30) days in any one (1) year.
  - 5. The exterior appearance of the structure shall not be substantially altered from its original residential character prior to conversion to a bed and breakfast.
  - 6. Retail sales are not permitted beyond limited souvenir and personal hygiene items for overnight patrons. Meals shall not be served to the public at large but only to patrons. No receptions, private parties or activities for which a fee is paid shall be permitted.

## **SECTION 706      PRIVATE ROAD**

- A. It is the intent and purpose of this section to establish standards for private roads that are petitioned to provide access, road frontage and/or minimum lot width requirements for parcels given the parameters of the zoning district in which the parcels are located. It is the intent of this section to ensure the long-term viability of a private road by setting forth requirements for location, construction and continual maintenance. Private roads are intended to provide access for three (3) or more lots created by simple land division, not for development of plats or site condominiums. Shared driveways serve two (2) lots or parcels and are permitted by right.
- B. Dimensional Standards

1. A private road shall not extend more than one thousand three hundred (1,300) feet from the public road right-of-way from which it attains access to the top of the approved turn-around, or cul-de-sac.
2. A private road shall have a recorded easement of at least sixty-six (66) feet. A complete statement of all the terms and conditions of the proposed rights-of-way including copies of all agreements or intended agreements regarding the maintenance and improvements of the rights-of-way and drives shall be submitted with petition for special land use approval.
3. A seventy-five (75) foot radius right-of-way with fifty (50) foot radius drive surface shall be provided for cul-de-sacs.
4. The width of the private road shall have eighteen (18) foot of driving surface and three (3) foot shoulders.
5. The private road shall be constructed with a minimum of six (6) inches of sand meeting MDOT Class II standards and surfaced with six (6) inches of gravel, crushed limestone, stone, or concrete meeting MDOT Class 22A and 23A standards. If paved, a minimum three (3) inches of asphalt is required in addition to the above standards.
6. Prior to construction, all organic or unstable material from the road bed shall be removed.

C. Performance Standards

1. A private road shall not serve more than six (6) parcels.
2. Any parcel having access onto the private road shall meet all regulations and standards regarding yard and setback requirements according to the zoning district in which it is located.
3. The connection between the public road right-of-way and the private road shall conform to the standards and specifications set forth under separate rules and regulations regarding intersection with a public right-of-way. If intersection with a county maintained road, the requirements of the Gratiot County Road Commission (“GCRC”).
4. All parcels that have access from a private road shall have their individual addresses posted on each property and also posted together at the entrance of the private road where it intersects with the public road.
5. The private road shall be adequately drained so as to prevent flooding or erosion. Ditches shall be located within the rights-of-way and drainage shall be constructed so that the runoff water shall be conveyed to existing water courses or water bodies.

- a. The discharged water shall not be cast upon the land of another property owner unless the water is following an established water course and all requirements of other Township Ordinances, standards and requirements are adhered to.
  - b. Connection to county designated drains shall be approved by the Gratiot County Drain Commissioner (“GCDC”) prior to the issuance of a permit. Connection to culverts and ditches within public road rights-of-way shall be approved by the GCRC prior to the issuance of a permit.
6. The private road easement shall provide adequate space for ingress, egress, drainage, and installation and maintenance of public and private utilities.
7. A maintenance agreement must be provided for review and approval. Following any approval, such agreement shall be filed and recorded with the Gratiot County Register of Deeds. All parcels accessing the private road shall be part of the agreement.
  - a. The agreement will specifically address the liability and responsibility of the parties subject to the agreement to maintain the private road pursuant to the specifications provided for in this Ordinance and other applicable ordinances, including but not limited to the responsibility of removing snow, maintaining width and surface for ingress and egress of emergency vehicles, ensuring adequate drainage, etc.
8. Prior to the granting of land divisions for parcels that are served by the private road or prior to use of the private road following construction, the applicant shall provide a certification letter from a professional engineer registered in the State of Michigan that the private road was constructed in compliance with the provisions of this Ordinance.

## **SECTION 707      CAMPGROUND**

- A. It is the intent and purpose of this section to establish standards for public or privately owned and operated campgrounds providing temporary recreational quarters for campers on a daily, weekly or seasonal basis, while also preventing or mitigating potential impacts to the personal enjoyment of adjacent property and to ensure that such facilities are compatible with surrounding land uses. Requirements are in accordance with or in addition to rules and regulations established by the Michigan Department of Environmental Quality (“MDEQ”) under Public Act 368 of 1978.
- B. Dimensional Standards
  1. The minimum site area for a campground shall be five (5) acres.

2. A minimum forty (40) feet setback for structures shall be maintained around the perimeter of the site. If underlying zoning district prescribes a greater setback, the larger of the two (2) setbacks shall be required. This area shall be used for purposes of screening and buffering when adjacent to property zoned or utilized for residential purposes.
3. Required yards may be utilized for access drives and parking provided that a minimum buffer of ten (10) feet is maintained from a side or rear property line and twenty (20) feet from a public road right-of-way. When located adjacent to residential or institutional property, the side and rear yard buffer shall include a fence, wall, or hedge no less than four (4) feet in height.
4. Each individual campsite within the campground shall contain a minimum of twelve hundred (1,200) square feet and have available a designated area for grilling or campfire and a picnic table.
5. A common use area shall be provided the area of which shall be no less than four hundred (400) square feet per campsite.

C. Performance Standards

1. A permanent structure for commercial and retail activity is permitted only if accessory to the principal campground use. The size and intensity of such to be reviewed and approved by the Planning Commission and Township Board in direct proportion to the number and type of camping facilities provided.
2. No vehicle fueling station or propane filling station shall be permitted. Propane tank exchange is acceptable.
3. The campground shall be seasonal and only open for camping from one (1) week prior to Memorial Day and one (1) week following Labor Day. There shall be no permanent storage of tents, campers, travel trailers at the site unless in an approved storage area.
4. One permanent dwelling structure occupied by the owner, manager or an employee shall be permitted.
5. Toilet and bathing facilities shall be provided pursuant to the requirements of the Gratiot County Health Department (“MCHD”), MDNRE or other agency responsible for review and approval of such facilities.

**SECTION 708 CHURCHES AND RELIGIOUS INSTITUTIONS**

- A. It is the intent and purpose of this section to establish standards for the development of property and structures for purposes of assembly of patrons for religious purposes

because such assembly can involve a significant number of vehicles and pedestrians and occur at various times of the day.

B. Dimensional Standards

1. All structures for purposes of assembly, education or gathering shall be set back no less than forty (40) feet from any side or rear yard where the adjoining property is zoned, used and planned for residential use.

C. Performance Standards

1. All ingress and egress to the site shall be from a paved street.
2. In the event that education facilities and/or programs are offered, student and participant drop-off shall occur on site and be located in designated areas exclusive of travel lanes.

**SECTION 709 COMMERCIAL RECREATION (OUTDOOR)**

A. It is the intent and purpose of this section to establish standards for outdoor commercial recreational uses. These uses can exhibit characteristics, such as noise, traffic and hours of operation that could impact the personal enjoyment of adjacent properties and established uses unless certain standards and conditions are considered. Such uses include, but are not limited to miniature golf courses, driving ranges, amphitheaters, survival games, batting cages, and animal, automobile, motorcycle, golf cart racing.

B. Dimensional Standards

1. The minimum site area for such uses shall be no less than two (2) acres. The Planning Commission and Township Board shall have the ability to require additional site area upon finding that the minimum acreage can not appropriately accommodate the intended use without causing negative impacts to the use and personal enjoyment of adjacent property.
2. Side and rear yards shall be at least thirty (30) feet. The first ten (10) feet of such yards shall be kept free of off-street parking and shall be landscaped.
3. No spectator seating shall be located within thirty (30) feet of any lot line.
4. Racing tracks and drive-in theaters shall be enclosed and the entire periphery with an obscuring screen fence at least eight (8) feet in height.
5. All such recreational uses shall be located at least five-hundred (500) feet from any other similar use.

6. Adequate trash receptacles shall be provided as needed throughout the site. No temporary sanitary facility or trash receptacle shall be located within fifty (50) feet of any property utilized for residential purposes.

C. Performance Standards

1. Accessory uses, such as refreshment stands, limited retail selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms are permitted and shall be proportional to the activities and number of patrons anticipated.
2. Outside storage shall be screened and buffered dependent upon the present and anticipated future use of adjacent property.
3. Sites shall be periodically cleared of debris so that litter does not accumulate or be distributed to adjacent properties.
4. Central loudspeakers and paging systems are prohibited where audible from residential zoned or used property. The petition shall identify all noise generators to be implemented as part of the development and provide relative information concerning the intensity, duration and distance of travel for the generated sounds.
5. Operating hours for all uses shall be determined by the Planning Commission and Township Board based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours per day shall be from 7:00 A.M. to 10:00 P.M.

**SECTION 710 COMMERCIAL RECREATION (INDOOR)**

- A. It is the intent and purpose of this section to establish standards for indoor commercial recreational uses. These uses can exhibit characteristics, such as noise, traffic and hours of operation that could impact the personal enjoyment of adjacent properties and established uses unless certain standards and conditions are considered. Such uses include, but are not limited to bowling alleys; ice or roller blade rinks; indoor sporting activities (such as tennis, soccer, etc); and athletic clubs; etc.

B. Dimensional Standards

1. Minimum site area for such uses shall be no less than one (1) acre.
2. Front, side and rear yards shall be at least thirty (30) feet unless a greater setback is required by the underlying zoning district.



C. Performance Standards

1. All ingress and egress to the site shall be from a paved street.
2. Accessory uses, such as refreshment stands, food service, and retail shops selling or renting items related to the above uses are permitted proportional to the anticipated number of patrons and intensity of use.
3. Operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours per day shall be from 6:00 A.M. to 12:00 A.M.

**SECTION 711 COMMUNICATION TOWERS**

A. It is the intent and purpose of this section to establish standards for the implementation of communication towers, including but not limited to, wireless (cellular) communication towers, television broadcasting and receiving towers, and radio broadcasting and receiving towers. These standards aim to prevent the over development and concentration of such towers, mitigate the impact on adjacent land uses and to prevent such structures from remaining in the community following technological obsolescence.

B. Dimensional Standards

1. The parcel in which the communication tower is proposed to be located shall have a minimum lot area of one (1) acre.
2. From residential planned, zoned or utilized property, a communication tower shall be setback one-half ( $\frac{1}{2}$ ) the height of the tower. From non-residential planned, zoned or utilized property, a communication tower shall meet principal structure setbacks of the underlying zoning district.
3. The base of the communication tower and wire/cable supports shall be fenced with a minimum six (6) foot chain link fence.
4. All communication towers shall be located at least one hundred (100) feet from any residential dwelling unit.
5. Minimum spacing between communication towers of a similar nature shall be one (1) mile, including from those towers located in other jurisdictions.
6. Heights of communication towers shall not exceed three hundred (300) feet from grade unless an additional height can be substantiated as necessary for the intended operation and in support of a larger network.

7. An access drive servicing the proposed communication tower and accessory facilities shall be a minimum of twelve (12) feet wide and be constructed and maintained in a manner similar to the standards set forth herein for private roads.

C. Performance Standards

1. The petitioner shall demonstrate the need for the communication tower and how such facility participates in a greater network. The petitioner shall also describe co-location opportunities in the vicinity of the proposed communication towers.
2. All communication towers constructed shall be engineered and constructed to accommodate additional users of similar technologically.
3. The communication tower shall be located so that there is sufficient radius of clear land around the tower so that its collapse would be completely contained on the property.
4. All towers shall be equipped with an anti-climbing device to prevent unauthorized access to the structure.
5. All towers must meet the standards of the Federal Aviation Administration, Federal Communications Commission, Michigan Aeronautics Commission and be in compliance with the Michigan Tall Structures Act.
6. Accessory structures are limited to uses associated with operation of the tower.
7. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
8. Existing on-site vegetation shall be preserved to the maximum extent practicable.
9. A maintenance plan and any applicable maintenance agreement shall be presented with the petition for approval. Such plan shall be designed to ensure the long term, continuous maintenance of the facilities petitioned.
10. There shall not be display advertising or identification of any kind intended to be visible from the ground or other structures.
11. The tower and antenna shall be painted to match the exterior treatment of the structure. The chosen paint scheme should be designed to minimize off-site visibility.

12. The petitioned communication tower shall be evaluated for cost of removal and an appropriate security posted to ensure the possible future removal of the communication tower upon abandoning of the use for which it was originally intended.

## **SECTION 712            ADULT CONGREGATE CONVALESCENT**

- A. It is the intent and purpose of this section to establish standards for adult congregate convalescent facilities (including but not limited to assisted-living facilities, nursing homes and convalescent centers) while mitigating potential impacts to the use and personal enjoyment of adjacent property and to ensure that such facilities are compatible with surrounding land uses.
- B. Dimensional Standards
  1. A minimum lot size of no less than two (2) acres.
  2. No principal structure shall be closer than thirty (30) feet to any lot line unless a greater setback is required by the underlying zoning district.
  3. No more than fifty (50) percent of the site area shall be covered by principal and accessory structures.
  4. Parking areas shall not be located within twenty (20) feet of any property zoned or used for residential purposes.
- C. Performance Standards
  1. All ingress and egress to the site shall be from a paved street.
  2. All licenses required by the State of Michigan shall be maintained and a copy provided annually to the Zoning Administrator.
  3. The interior layout and provision for community gathering spaces shall be provided so as to allow a resident of the facility the opportunity to spend the majority of non-sleeping hours outside of the residents bedroom.
  4. The structure shall have an identified area designed to provide privacy for visitors of the resident.
  5. Appropriate areas shall be provided for access by emergency vehicles.

**SECTION 713      ACCESSORY APARTMENT**

- A. It is the intent and purpose of this section to establish standards for the permitting of accessory apartments in single-family neighborhoods for use by extended family, or licensed caregiver, as a means of providing care for either the occupant of the accessory apartment or the principal structure who may be elderly or by some other reason require daily assistance and care. An accessory apartment shall be an addition to or conversion of a portion of the principal residential structure on the property and shall not include self-contained, mobile travel trailers or mobile homes.
  
- B. Dimensional Standards
  - 1. Dwelling units shall meet all applicable floor areas as outlined in Section 415.
  
- C. Performance Standards
  - 1. Separate sale or ownership of the accessory apartment, by whatever means of property or land transfer, from the primary dwelling on a lot or parcel is prohibited.
  - 2. The property owner may reside in either the accessory apartment or the principal dwelling unit. Under no circumstance shall a non-relative, other than a licensed caregiver, occupy the accessory apartment, nor shall there be paid rent for use of the accessory apartment.
  - 3. Adequate provision for waste water disposal per the Gratiot County Health Department.
  - 4. Dwellings modified in conjunction with an accessory apartment shall retain the appearance of a single family detached dwelling.
  - 5. For the tenure of the current property owner, a legally recorded deed restriction shall be filed with the Gratiot County Register of Deeds that the person occupying said structure is related, or a licensed caregiver, and that one of the subject persons requires daily assistance from the other person.
  - 6. The Planning Commission may recommend and the Township Board may impose any other reasonable conditions deemed necessary to protect the use and personal enjoyment of adjacent properties, cohesiveness of the neighborhood, and to protect the value of other properties.

**SECTION 714      GOLF COURSES AND COUNTRY CLUBS**

- A. It is the intent and purpose of this section to establish standards for the development and use of golf courses and country clubs, as well as their associated accessory uses (driving ranges, dining halls, associated retail sales and service, maintenance

structures and outdoor storage, etc.) to mitigate potential impacts to the use and personal enjoyment of adjacent property. These potential impacts can include noise, traffic, trespass, and hazards.

B. Dimensional Standards

1. Minimum site area shall be ten (10) acres for a nine (9) hole course and twenty (20) acres for an eighteen (18) hole course.
2. All principal or accessory buildings and parking areas shall be not less than one hundred (100) feet from any lot line of a residentially zoned or utilized property that is not part of the golf course development concept.
3. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation, fencing or other device to minimize projectiles entering onto adjoining properties.

C. Performance Standards

1. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.
2. Major accessory uses such as a dining area and bar shall be housed in a single structure that is associated with the club house. Minor accessory uses strictly related to the operation of the golf course itself such as a maintenance structure or retail sales and services may be located in separate structures.
3. All ingress and egress to the site shall be from a paved street.
4. No outdoor loudspeaker or call system shall be audible to adjoining property.
5. No dwelling units shall be provided on the premises except for living quarters for a resident manager, watchman, or caretaker.
6. Restroom facilities for use by patrons shall be conveniently located and be approved or permitted by the Gratiot County Health Department.

**SECTION 715          GROUP DAY CARE HOMES / DAY CARE CENTERS**

- A. It is the intent and purpose of this section to establish standards for group day care homes and day care centers to meet the necessary demands of the community for adult and child care while also preventing or mitigating potential impacts to the use and personal enjoyment of adjacent property and to ensure that such facilities are compatible with surrounding land uses.

B. Dimensional Standards

1. A group day care home or day care center shall be located no closer than one thousand five hundred (1,500) feet to any of the following facilities:
  - a. Another licensed group day care home or day care center.
  - b. A licensed group home.
  - c. A licensed facility offering substance abuse treatment and rehabilitation service to seven (7) or more people.
  - d. A community correction center, resident home, halfway house or other similar facility that houses persons under the jurisdiction or supervision of the State of Michigan Department of Corrections.
2. Appropriate fencing for the safety of attendees of the group day care home and the day care center shall be maintained and outdoor recreation areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet.

C. Performance Standards

1. The property is to be maintained in a manner that is consistent with the visible characteristics of the neighborhood where located.
2. Hours of operation shall not exceed sixteen (16) hours within a twenty-four (24) hour period. Activity between the hours of 10:00 P.M. and 6:00 A.M. shall be limited so that the drop-off and pick-up of attendees is not disruptive to neighboring residents.
3. A readily identifiable drop-off and pick-up area shall be provided off of a public street and shall be of sufficient size so as to not create congestion on the site or within a public right-of-way.
4. All licenses required by the State of Michigan shall be maintained and a copy provided annually to the Zoning Administrator.
5. All ingress and egress to the site shall be from a paved street.

**SECTION 716 JUNK AND SCRAP YARD**

- A. It is the intent and purpose of this section to establish standards for use of property for the purposes of storing, separating and selling junk and scrap without causing impact to the use and personal enjoyment of adjacent property. The term junk and scrap yard

shall not include general trash, rubbish and debris nor be considered a transfer station for such uses.

B. Dimensional Standards

1. The minimum lot or parcel size for a junk or scrap yard shall be twenty (20) acres.
2. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around the perimeter of the site or all sides of the area used to manage, process or store material. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously.
3. All enclosed areas shall be set back at least fifty (50) feet as a buffer from any lot line. The buffer area shall be appropriately landscaped as if a conflicting land use to all other districts and available uses.

C. Performance Standards

1. Junk and scrap yards shall not be located adjacent to residentially zoned properties, schools, day care facilities, churches, hospitals, convalescent nursing homes, or other similar uses permitting assembly.
2. Ingress and egress to the facility shall be only from a primary road as defined by the Gratiot County Road Commission.
3. Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time idles or parks on a public right-of-way awaiting entrance to the site.
4. All activities shall be confined within an enclosed area. There shall be no stocking of material above the height of the fence, wall, or berming, except that movable equipment used on the site may exceed that height. No equipment, material, or lighting shall be used or stored outside the enclosed area.
5. All vehicular travels areas and loading areas within any junk yard shall be paved or consist of gravel that is oiled, watered, or chemically treated to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.
6. Depending on the intensity of the use, its proximity to other uses and the types of material and equipment stored, additional screening and buffering standards to mitigate the impact of the petitioned use may be required above and beyond minimum requirements in Article 10 of this Ordinance.

**SECTION 717      KENNELS, COMMERCIAL**

- A. It is the intent and purpose of this Section to establish standards for operation of commercial kennels that because of the nature of their business may have the potential to impact the personal enjoyment and use of adjacent property.
- B. Dimensional Standards
  - 1. Structures or pens shall not be located less than one hundred (100) feet from a public right-of-way or less than fifty (50) feet from a side or rear lot line.
- C. Performance Standards
  - 1. The kennel shall be established and maintained to eliminate objectionable odors, noise and other conditions. Kennel facilities shall be constructed of masonry or comparable sound-proofing material; mechanical ventilation shall be provided in all areas; wall, floors, and ground surfaces shall be covered with non-absorbent tile; and floor drains are to be directly connected to public sanitary sewer system or approved on-site system.
  - 2. The kennel shall meet the following operating standards:
    - a. animal odors and habitual barking noise shall not be detectable beyond the lot lines of the property in which the kennel is located;
    - b. dust and drainage from the kennel operation shall not create a nuisance or hazard to adjoining property uses;
    - c. the premises shall be kept in a clean and sanitary manner, including the proper disposal of refuse, to prevent the spread of disease or offensive odor; and
    - d. such facilities shall be subject to any other reasonable conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, sound-proofing, sanitary requirements, buffering).
  - 3. Under no circumstance shall the housing of exotic and/or dangerous animals where federal or state licensing is required be permissible to be housed under the provisions of this section or any other section of this Ordinance.

**SECTION 718      RECYCLING FACILITY (SMALL OR LARGE)**

- A. It is the intent and purpose of this section to establish standards for the use of property for purposes of collecting materials for recycling. The two (2) types of recycling facilities addressed in this Section are “small collection” and “large collection”. Definitions for the two (2) types are provided under Article 15.
- B. Dimensional Standards



1. Small collection facilities shall not occupy more than five hundred (500) square feet and, if applicable, encumber no more than five (5) parking spaces in an existing parking lot.
2. The minimum lot area for large collection facilities shall be no less than twenty (20,000) square feet.
3. No area used for the storage, disposal or placement of recyclable materials shall be located closer than thirty (30) feet of a property zoned or utilized for residential purposes, or if greater, the same setback for a principal structure pursuant to the zoning district where located.

C. Performance Standards

1. Ingress and egress shall be only from a paved street. For large collection facilities, access is limited to primary roads as classified by the Gratiot County Road Commission.
2. All areas subject to vehicular use shall be paved. For those areas utilized for storage, gravel surfacing may be utilized depending upon the nature of the business, storage and the anticipated intensity of the use.
3. Depending on the intensity of the use, its proximity to other uses and the types of material and equipment stored, additional screening and buffering standards to mitigate the impact of the petitioned use may be required above and beyond minimum requirements in Article 10 of this Ordinance.
4. Small collection facilities shall only accept glass, metals, plastic containers, papers or other similar items. Large collection facilities shall accept items as accepted by small collection facilities, but also larger items, such as appliances, furniture, yard waste and other similar material. Acceptance of vehicles, construction equipment, agricultural equipment for scrap is not permitted.
5. All exterior storage of material shall be in sturdy containers or enclosures that are covered, secured and maintained in good condition. Containers are to be fabricated of material that is water proof and rust proof, covered and secured when the site is not attended, and be of a capacity sufficient to accommodate materials accepted.
6. All areas shall be kept free of litter, debris and other undesirable material that could be considered detrimental to personal use and enjoyment of adjacent property.
7. The operations of large collection facilities shall be screened from view. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around the perimeter of the site or all sides of the area used to

manage, process or store material. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously.

8. Large collection facilities shall not have hours of operation beyond the hours of 9:00 A.M. and 7:00 P.M. Large collection facilities must have an attendant on-site during the hours of operation.
9. Small collection facilities are not to employ power-driven processing equipment. A large collection facility may employ power-driven processing equipment, but only for the purpose of effectively storing the material, such as compaction, shredding and baling. Such power-driven processing equipment must be approved by the petitioner to not create a negative impact on the use and enjoyment of adjacent property.

## **SECTION 719      MINI-STORAGE FACILITY**

- A. It is the intent and purpose of this section to establish standards for the use of property for self storage facilities, including mini-storage units accessible by vehicle and climate controlled storage within a structure. The intent of the standards is to prevent and mitigate possible impacts of these uses on adjacent properties from congestion, traffic, debris and noise.
- B. Dimensional Standards
  1. The minimum lot size shall be one (1) acre.
  2. A mini-storage unit within a mini-storage facility shall not exceed ten (10) feet in width or twenty (25) feet in depth.
  3. There shall be a minimum of thirty five (35) feet of travel area if the driveway is two-way between storage units for parking, loading and fire lane purposes.
  4. When adjoining a residential district, a six (6) foot high wall, fence, or dense vegetation strip shall be erected and maintained along the connecting interior lot line.
  5. A ten (10) foot landscaped buffer shall be required adjacent to any public streets.
- C. Performance Standards
  1. All ingress and egress to the site shall be from a paved street.
  2. When located in any non-residential zoning district, the facility shall be located on a primary road as defined by the Gratiot County Road Commission.

3. All personal and business storage shall be within an enclosed structure. There shall be no outside storage of household or similar items. Vehicles, recreational vehicles, and boats may be stored in a defined area dedicated for such use.
4. Storage of goods shall be limited to personal or business property and not to include any perishable items no matter there method of containment. No business or enterprise shall be operated from the facility, or commercial distribution allowed requiring the regular delivery or pick-up of goods.
5. No storage of hazardous, toxic, corrosive, flammable or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.
6. All mini-storage units shall have defined travel lanes and loading areas to them. All travel lanes and loading areas are to be paved. Outdoor storage areas for recreation vehicles, vehicles and boats may be graveled.
7. No retail, wholesale, fabrication, manufacturing or service activities may be conducted from the storage units by the lessors or lessees.

## **SECTION 720 OPEN AIR BUSINESS**

- A. It is the intent and purpose of this section to establish standards for the use of property for open air businesses, such as landscaping supplies, agricultural equipment, lumber yards, home and garden centers, mobile home sales and flea markets.
- B. Dimensional Standards
  1. Minimum lot area for open air businesses shall be twenty thousand (20,000) square feet.
  2. No loading and unloading activities shall be permitted within fifty (50) feet of the lot line of a property zoned or utilized for residential purposes.
  3. All structures shall have a front yard setback of fifty (50) feet unless such petitioned use utilizes an existing structure or legal non-conforming structure.
  4. No more than two (2) driveways onto a street shall be permitted per site. Driveway approach width shall not exceed thirty-five (35) feet.
  5. Not more than fifty (50) percent of the lot shall be covered by structures and outdoor display of materials and goods.
- C. Performance Standards

1. All areas subject to vehicular use shall be paved. For those areas utilized for display and storage, the Planning Commission and Township Board may allow for an alternative surface depending upon the nature of the business, product to be displayed and the anticipated intensity of the use.
2. Storage yards associated with home and garden centers, lumber yards and landscaping supply shall be screened appropriately to obscure the view from public streets and adjacent properties.
3. Storage or display of goods and materials shall not occur in the required setbacks with the exception of the front yard whereas such display of goods and materials shall not be closer than ten (10) feet from the right-of-way.
4. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse affect on adjacent properties, water bodies, wetlands and drainage ways.
5. All repair, assembly, disassembly or maintenance of vehicles, equipment or other items to be displayed shall occur within an enclosed structure.

**SECTION 721 PRIVATE NURSERY, PRIMARY OR SECONDARY SCHOOL**

- A. It is the intent and purpose of this section to establish standards for the development of private parochial or other schools to mitigate potential impacts on adjacent properties. Schools, whether private or public, can become activity centers for the community and have the potential to generate noise and congestion at various times of the day and week.
- B. Dimensional Standards
  1. The minimum lot or parcel size shall be one (1) acre.
  2. No more than forty (40) percent of the site area shall be covered by structures.
  3. The principal structure shall be no closer than fifty (50) feet from any lot line or right-of-way.
  4. Service structures and facilities shall not be located within fifty (50) feet of a residential zoned property.
  5. Parking areas and travel lanes shall not be located within thirty (30) feet of a residential zoned property.
  6. No parking shall be allowed within the twenty five (25) feet of the right-of-way.

C. Performance Standards

1. All ingress and egress to the site shall be from a paved street.
2. Student drop-off and vehicular turn-around facilities shall be appropriately provided to prevent on-site congestion and to mitigate impact to off-site traffic.
3. Appropriate buffering and screening shall be necessary where improvements, such as structures and recreation areas, are within close proximity to residential development.

**SECTION 722 VEHICLE FUELING STATION/VEHICLE WASH**

A. It is the intent and purpose of this section to develop standards for the siting and use of vehicle fueling stations and vehicle washes to mitigate potential impacts on adjacent property. The use of property for such purposes can include characteristics, such as noise, fumes, traffic and lighting that can potentially impact the use and personal enjoyment of adjacent property.

B. Dimensional Standards

1. In addition to the minimum lot size of the district, vehicle fueling stations shall have an additional one thousand (1,000) square feet of lot area for each pump over four (4) pumps provided on site.
2. All structures, fueling pumps and/or wash bays shall be located not less than thirty (30) feet from any lot line or street right-of-way. Accessory facilities, such as pay phones, vacuums, or air pumps shall meet the same setback.
3. All access drives, parking and paved areas shall maintain a ten (10) foot setback from an adjoining property line.
4. The maximum widths of all driveways at the right-of-way shall be no more than thirty (30) feet.
5. No more than two (2) ingress/points at no less than forty (40) feet apart at their closest edge shall be permitted.

C. Performance Standards

1. Convenience retail within a fully enclosed structure is permitted in conjunction with the operation of a fueling station. Retail items shall not be displayed outside unless directly related to the operation of a vehicle. Propane

exchange cages are permitted adjacent to the principal structure as long as such location does not interfere with pedestrian paths.

2. Areas of vehicle travel and parking shall be surfaced with concrete or paved to control dust and provide adequate drainage.

## **SECTION 723           VEHICLE REPAIR AND SERVICE**

A. It is the intent and purpose of this section to address those uses that involve the maintenance, service and repair of automobiles and recreational vehicles. These uses, although typical in a community, potentially can impact the use and personal enjoyment of adjacent properties depending on the intensity of use, the type of repair and service offered, and the layout of the intended development in relation to adjacent properties.

B. Dimensional Standards

1. In addition to the minimum lot size of the district, automobile repair and service stations shall have an additional one thousand (1,000) additional square feet of lot area for each additional bay over two (2) bays used for repair and service.
2. All access drives, parking and paved areas shall maintain a ten (10) foot setback from an adjoining property line.
3. The maximum widths of all driveways at the right-of-way shall be no more than thirty (30) feet.
4. No more than two (2) ingress/points at no less than forty (40) feet apart at their closest edge shall be permitted.

C. Performance Standards

1. Primary ingress and egress to the development shall be only from a paved street.
2. Depending on the intensity of the use, its proximity to other uses and the types of repairs and vehicles being repaired, screening and buffering standards greater to those cited elsewhere in this Ordinance may be required to mitigate the impact of the petitioned use.
3. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.

4. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall be limited to a period of not more than fourteen (14) days and then only for the purpose of temporary storage pending transfer to another facility. Such storage shall not occur in front of the building.
5. Vehicle travel lanes and parking shall be surfaced with concrete or paved to control dust and provide adequate drainage. Identified storage areas may be gravel at the discretion of the Planning Commission and Township Board depending upon the intensity of the use anticipated..
6. Vehicle service and repair facilities without the distribution or sale of gasoline may also offer the sale of vehicles in conjunction with a special land use for vehicle sales and rental.
7. No public address system shall be audible from any abutting residential parcel.
8. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground and infiltrating into the groundwater system.

## **SECTION 724      VEHICLE SALES AND RENTAL**

- A. It is the intent and purpose of this section to address those uses that involve the sale, rent and display of motorized vehicles, such as automobiles, trucks, tractors and recreational vehicles. These uses potentially can impact adjacent properties depending on the intensity of use, the type of sales offered, and the layout of the intended development in relation to adjacent properties, lighting and advertising. If the petitioned use also includes service and repair, the standards set forth in other sections regarding vehicle service and repair shall also be met.
- B. Dimensional Standards
  1. All access drives, parking and paved areas shall maintain a ten (10) foot setback from an adjoining property line.
  2. The maximum widths of all driveways at the right-of-way shall be no more than thirty (30) feet.
  3. No more than two (2) ingress/points at no less than forty (40) feet apart at their closest edge shall be permitted.
- C. Performance Standards

1. Ingress and egress shall only be from a paved street.
2. Depending on the intensity of the use, screening and buffering standards greater to those cited elsewhere in this Ordinance may be required to mitigate the impact of the petitioned use.
3. Areas of vehicle travel and parking shall be surfaced with concrete or paved to control dust and provide adequate drainage.
4. No public address system shall be audible from any abutting residential parcel.
5. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground and infiltrating into the groundwater system.

## **SECTION 725 VETERINARIAN CLINIC (LARGE & SMALL)**

- A. It is the intent and purpose of this section to establish standards for the use of property as veterinarian clinics, both large and small. See Article 15, Definitions. Due to treatment and housing of animals, veterinarian clinics have the potential to impact the use and personal enjoyment of adjacent properties and these standards are intended to mitigate those potential impacts.
- B. Dimensional Standards
  1. Structures where animals are kept, dog runs, paddocks, and/or exercise areas shall not be located closer than one hundred (100) feet to any adjacent residentially zoned or used property or any structure used by the general public.
- C. Performance Standards
  1. Between the hours of 10:00 P.M. and 7:00 A.M., no animals shall be permitted occupy a run, paddock or other open area and must be housed in a fully enclosed structure with appropriate sound proofing and waste disposal.
  2. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.



## **SECTION 726            PLANNED SHOPPING CENTER**

- A.     It is the intent and purpose of this section to establish standards for Planned Shopping Centers, which due to the intensity of use and clustering of services, could have the potential to impact the use and personal enjoyment of the adjacent properties due to traffic, congestion and noise.
  
- B.     Dimensional Standards
  - 1.     A landscaping strip of no less than ten (10) feet in width is required along all sides of the site abutting a residential zoned or used lot and/or an institutional use and along all public rights-of-way.
  
  - 2.     Irrespective of setbacks established by the zoning district in which the proposed use is located, no structure shall be located closer to any property line of the shopping center than a distance equal to twice its height.
  
- C.     Performance Standards
  - 1.     Ingress and egress to the development shall be only from a paved street.
  
  - 2.     Uses permitted in the Planned Shopping Center include those permitted by right in the underlying district. Other uses are not permitted. If a use is listed as a special land use in the underlying district, a separate special land use approval is necessary in order to implement or operate.
  
  - 3.     Areas of vehicle travel and parking shall be surfaced with concrete or paved to control dust and provide adequate drainage.

## **SECTION 727            HOME BASED BUSINESS**

- A.     A home based business, which is a home occupation that has employees other than those residing in the household and may take place within a dwelling and an accessory structure, shall be permitted in all residential and agricultural districts by special land use. Home based businesses shall satisfy the following conditions:
  - 1.     No equipment or process shall be used in such home based business which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses outside the confines of the dwelling.
    - a.     In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
  
  - 2.     No outdoor storage shall be permitted.

3. There shall be no change in the exterior appearance of the building or premises or other visible evidence of the conduct of such home based business. An advertising sign is permitted pursuant to provisions provided in Article 12.
4. No traffic shall be generated by such home occupation in greater volumes than would normally be expected for a single-family dwelling. Any need for parking generated by the conduct of such home based business shall be met off-street in a typical residential driveway of sufficient size.
5. The regulation of home based businesses as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such flexibility is not intended to allow the essential residential character of residential districts.
6. Limited retail sales may be permitted on the premises, as an incidental, rather than principal activity of a home based business.
7. The home based business shall not occupy more than twenty-five percent (25%) of the gross floor area of one floor of said dwelling unit, but may occupy one hundred (100%) percent of an accessory structure.
8. The home based business shall not entail the use or storage of explosive, flammable, or otherwise hazardous materials.
9. There shall be no equipment or machinery used in connection with a home based business which is industrial in nature. However, the following may be authorized as home based businesses if approved under the terms of this Section: motor vehicle repair; small engine and equipment repair, such as for lawnmowers, vacuums, chainsaws and snow blowers; farm machine repair; light machining, fabrication and similar processes; fire wood processing; fur tanning and trading; wild game processing; and other similar home based businesses in compliance with the provisions of this Section and which are conducted without adverse effects on other lands or the public streets.
10. Limited visits by customers shall be limited to the hours of 8:00 A.M. to 8:00 P.M.

**SECTION 728            CONTRACTOR'S ESTABLISHMENT WITH  
                                  OUTSIDE STORAGE**

- A. It is the intent and purpose of this Section to establish standards for the use of property for contractor's establishments with outside storage, such as excavation, asphalt and concrete, plumbing and similar operations.

B. Dimensional Standards

1. Minimum lot area shall be two (2) acres.
2. No loading and unloading activities shall be permitted within thirty-five (35) feet of the lot line of a property zoned for residential purposes.
3. Irrespective of the setbacks set forth in the underlying district, all structures shall have a front yard setback of fifty (50) feet unless such petitioned use utilizes an existing structure.
4. No more than two (2) driveways onto a street shall be permitted per site.
5. Not more than fifty (50) percent of the lot shall be covered by structures and outdoor storage of material and equipment.

C. Performance Standards

1. All areas subject to vehicular use shall be paved. For those areas utilized for storage, gravel surfacing may be utilized depending upon the nature of the business, storage and the anticipated intensity of the use.
2. Storage or display of material and equipment shall not occur in the required front yard setback.
3. Depending on the intensity of the use, its proximity to other uses and the types of material and equipment stored, additional screening and buffering standards to mitigate the impact of the petitioned use may be required above and beyond minimum requirements in Article 10 of this Ordinance.
4. All repair, assembly, disassembly or maintenance of vehicles, equipment or other items shall occur within an enclosed structure.

**SECTION 729 COMMERCIAL & RESIDENTIAL MIXED-USE**

A. It is the intent and purpose of this section to establish standards for the mixed-use of property in the central business area of the Township to permit residential opportunities in conjunction with non-residential operations, such as retail and office uses. Such residential opportunities, include apartments, studios, lofts and condominium units and other similar dwelling units on the second floor of structures having first-floor non-residential use. Home occupations are also permitted in association with these residential opportunities.

B. Dimensional Standards

1. Dwelling units shall meet all applicable floor areas as outlined in Section 415.

C. Performance Standards

1. Principal ingress and egress to dwelling units shall be exclusive from primary ingress and egress to non-residential use occupying the same building.
2. Dwelling units shall not occupy a structure, or be accessible from another structure, that contains an adult use as regulated herein.
3. Each dwelling unit shall have an appropriate amount of allocated off-street parking spaces available. On-street parking shall not be utilized for calculation purposes in meeting the minimum requirements for allocated parking.

**SECTION 730 MINERAL EXTRACTION**

A. It is the intent and purpose of this section to establish standards for use of property for the purposes of mineral extraction and to mitigate the impact of the use on the use and personal enjoyment of adjacent property. The phrase mineral extraction shall not include oil and gas exploration and extraction.

B. Dimensional Standards

1. The minimum lot or parcel size for mineral extraction operation shall be five (5) acres.
2. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around the perimeter of the site or the perimeter of the area used to extract, manage, process or store material.
3. No mining or mineral extraction, management, processing or storage shall be conducted within twenty (20) feet of any property line.

C. Performance Standards

1. Adequate parking and unloading facilities shall be provided at the site so that no vehicle at any time idles or parks on a public right-of-way awaiting entrance to the site.
2. All vehicular travel areas and loading areas shall be paved or consist of gravel that is oiled, watered, or chemically treated to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.

**SECTION 731            WIND ENERGY CONVERSION SYSTEMS/UTILITY SCALE  
WIND FARM**

- A. Wind Energy Conversion System (“WECS”) shall mean any device (such as a wind generator, windmill, or wind turbine) that converts wind energy to a form of usable energy.
1. Commercial WECS shall mean any WECS turbine and accessory structure or use that is designed and built to exclusively provide electricity to the electric utility’s power grid and is not accessory to any other use. The commercial WECS is a principal use of property. Accessory structures and uses associated with a commercial WECS include sub-stations, collection lines, transmission lines, drive etc.
  2. WECS Testing Facility (“Testing Facility”) shall mean the structure and equipment used to determine the potential for the placement of one or more WECS improvements and contains instrumentation, such as anemometers or other meteorological devices, designed to provide wind and other data. Such shall be permitted by administrative site plan approval.
  3. Manual and Automatic Controls give protection to power grids and limit rotation of WECS blades so as not to exceed the designed limits of the conversion system.
  4. Authorized Factory Representative shall mean an individual with technical training of a WECS who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.
  5. Utility Scale Wind Farm shall mean wind farms that produce greater than twenty (20) kilowatts of energy.
  6. Facility Abandonment shall mean a WECS that no longer converts wind into energy for a one (1) year period of time.
  7. Participating Parcel shall mean a parcel or parcels of record that are to be used, occupied, maintained, let, leased or authorized to be used for purposes of implementing, providing access to , or to meet setback requirements for wind energy facilities and systems.
  8. Non-Participating Parcel shall mean a parcel of record that is not in any manner used, occupied, maintained, let, leased or authorized to be used for wind energy systems or facilities.
  9. Decibel Measurement or dB(A) is defined as the sound pressure level in decibels. Refers to the “a” weighted scale defined by the American National Standards Institute (“ANSI”). A method for weighting the frequency spectrum to mimic the human ear.

10. Height is defined as the measurement from the base of a WECS to the greatest extent of any part or moving parts of the WECS.
- B. Agricultural WECS that are accessory to permitted farm and agricultural operations shall be exempt from the general standards, provisions and requirements of this section. Agricultural WECS projects shall otherwise conform to the regulations of the zoning district for an agricultural accessory structure, including maximum height and minimum setback standards. Such compliance shall be verified upon application of a zoning permit.
- C. The following standards shall apply to all Commercial WECS and Utility-Scale Wind Farms unless otherwise specifically noted:
1. Design Safety Certification. The safety of the design of all Testing Facilities, private and commercial WECS turbines shall be certified by a Professional Engineer registered in the State of Michigan. The standard for certification shall be included with the application for development.
  2. Controls and Brakes. All private and commercial WECS turbines shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. The Professional Engineer must certify that the rotor and over-speed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer's statement of certification.
  3. Electrical and Building Codes. All electrical compartments, storage facilities, wire conduit, interconnections with utility companies and interconnections with private structures will conform to national and local electrical codes. All WECS, including Testing Facilities, shall comply with local building permit requirements.
  4. Property Line Setbacks. All commercial WECS must be setback from a non-participating property lines a distance equal to or greater than one hundred fifty percent (150%) of the height of the WECS from the base of the structure to the nearest non-participating property line. All commercial WECS turbines must be setback from a participating property line a distance equal to or greater than the required minimum setback for a principal structure in that district. This measurement shall also be from the base of the structure to the participating property line.
  5. Structure Setbacks. All commercial WECS must be setback a distance equal to or greater than two hundred (200) percent of the height of the WECS from a principal structure on a non-participating parcel that is currently used for residential, commercial or assembly purposes. All commercial WECS must be setback one hundred (100) percent from a principal structure on a participating parcel that is used for residential, commercial or assembly

purposes. Such measurement shall be from the base of each structure at their closest point to the principal structure.

6. Public Right-of-Way. All commercial WECS must be setback a distance equal to or greater than one hundred (100) percent of the height of the WECS from a public road right-of-way as measured from the base of the structure to the nearest right-of-way.
7. Height. Commercial WECS shall not exceed five hundred (500) feet in height.. Compliance with FAA regulations, the Michigan Airport Zoning Act and the Michigan Tall Structures Act shall be verified by the applicant.
8. Installation Certification. The Professional Engineer shall certify that the construction and installation of the Testing Facility, private or commercial WECS project meets or exceeds the manufacturer's construction and installation standards.
9. Climb Prevention. All Testing Facilities, private and commercial WECS must be unclimbable by design or protected by anti-climbing devices such as fences with locking portals at least six feet high or anti-climbing devices.
10. Interference. It shall be the responsibility of the applicant to submit acceptable documentation as part of the special land use application to determine if the improvement would in any way cause interference with microwave transmissions, residential television reception or radio reception.
11. Fire Risk. All commercial WECS must adhere to all applicable electrical codes and standards, remove fuel sources, such as vegetation, from the immediate vicinity of electrical equipment and connections.
12. Waste. All solid wastes, whether generated from supplies, equipment parts, packaging, operation or maintenance of commercial WECS shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the improvement shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal rules and regulations.
13. Noise Levels. The noise generated from a commercial WECS measured at a non-participating property line shall not exceed fifty-five (55) d(B)A. The noise generated from a WECS measured at the exterior of a principal structure located on a non-participating property shall not exceed forty-five (45) decibels.
14. Liability Insurance. The owner or operator of the commercial WECS shall maintain a current insurance policy with a bond rating acceptable to the Township to cover installation and operation. The amount of the policy shall be established as a condition of special land use approval.

15. No WECS shall have advertising or signage of any kind unless required by standards referenced in this Section for purposes of safety or operation.
  16. No WECS shall have lighting of any kind unless required by standards referenced in this Section or the Federal Aviation Administration (“FAA”) for purposes of safety or operation.
  17. All facilities must be maintained in an operational state. Any WECS that is found to be abandoned, inoperable or in a state of disrepair that would be a potential threat to public health, safety and welfare shall be removed from the site.
  18. Color and Appearance. Structures and blades shall be painted a neutral color that is acceptable to the Township or otherwise required by law.
  19. Annual Inspection. Every commercial WECS project must be inspected annually by an Authorized Factory Representative or Professional Engineer to certify that it is in good working condition and not a hazard to the public.
  20. Migratory Birds. The Township may require an avian study conducted by a qualified professional to determine any potential impacts the commercial WECS may present to migratory birds. The study as part of the special land use approval application must provide assurances that the commercial WECS does not negatively impact the path of migratory birds.
- D. Decommissioning Plan and Escrow. The commercial WECS project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life, inoperability of individual WECS turbine or facility abandonment. Decommissioning shall include removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Extensions may be granted upon request to the Planning Commission prior to that expiration of the one (1) year requirement for decommissioning. The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer’s estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the Township that:
1. The financial resources for decommissioning shall be in the form of a surety bond, or shall be deposited in an escrow account with an escrow agent acceptable to the Township.
  2. The Township shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed



by the applicant within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment.

3. The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien. Financial provisions shall not be so onerous as to make wind power projects unfeasible.

**ARTICLE 8**  
**AMENDMENTS**

**SECTION 801            INITIATION OF AMENDMENTS AND FEES**

- A.    The regulations and provisions stated in the text of the Fulton Township Zoning Ordinance (“Ordinance”) and the boundaries of zoning districts shown on the Zoning Map may be amended by the Township of Fulton (“Township”) from time to time pursuant to the Michigan Zoning Enabling Act No. 110 of the Public Acts of Michigan of 2006, as amended, (MCL 125.3101 et seq.) Amendments may be initiated by the Township Board, the Planning Commission, or by petition of one or more persons having an interest in a property to be affected by a proposed amendment.
  
- B.    The Township Board shall establish by resolution fees for zoning amendment petitions. Such fee shall be paid in full at the time of petition and no part of such fee shall be returnable or refundable to the petitioner.

**SECTION 802            AMENDMENT PROCEDURE**

- A.    On an application provided by the Zoning Administrator, the petitioner shall submit a petition for amendment to the Zoning Administrator not less than thirty (30) days before a regularly scheduled meeting of the Planning Commission. Ten (10) copies of the petition for amendment accompanied by ten (10) copies of documents and explanatory matter as requested herein are to be provided.
  - 1.    The Zoning Administrator, and/or assigns shall review each petition to ensure compliance with the provisions of this Ordinance prior to delivery to the Planning Commission and scheduling of a public hearing.
  
  - 2.    Any petition procedurally not in compliance with this Ordinance shall be returned to the petitioner. Any petition procedurally not in compliance with this Ordinance shall not constitute a legitimate filing of the petition.
  
- B.    Upon a determination of completeness, the petition shall be referred to the Planning Commission for public hearing and consideration at the next available meeting of the Planning Commission where all public notice requirements can be met.

**SECTION 803            PLANNING COMMISSION PUBLIC HEARING, REVIEW  
AND RECOMMENDATION**

- A.    The Planning Commission shall conduct at least one (1) public hearing on each petition for amendment. Notice of the public hearing shall be provided pursuant to

Section 206, herein.

- B. Any person having an interest in any amendment may present testimony or evidence in support of or opposition thereto at the public hearing. If comment is to only be provided in writing, such communication shall be submitted to the Zoning Administrator no less than three (3) days before the hearing at which time the petition will be considered.
  
- C. The Planning Commission shall hold a public hearing and take action to recommend approval or denial of the proposed amendment based upon the petition's conformity with the Master Plan and based on assessment of the following findings of fact:
  - 1. What, if any, identifiable conditions related to the petition have changed which justify the petitioned amendment?
  - 2. What, if any error in judgment, procedure, or administration was made in the original Ordinance which justifies the petitioned amendment?
  - 3. What are the precedents and the possible effects of such precedent that might result from the approval or denial of the petition to amend the Ordinance?
  - 4. What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the petition is approved?
  - 5. Does the petitioned amendment adversely affect the environmental conditions or value of the surrounding property?
  - 6. Does the petitioned zoning change generally comply with the adopted policies of the Master Plan?
  - 7. Are there any significant negative environmental impacts which would reasonably occur if the petitioned amendment and possible resulting development was implemented?
  
- D. The Planning Commission shall not forward a recommendation to the Township Board unless all of the aforementioned and other factors identified by the Ordinance are considered. The Planning Commission shall submit a summary of the comments received at the public hearing, a finding of fact, and the proposed amendment, including any zoning maps, and other related material to the Township Board.

**SECTION 804      REVIEW AND ACTION BY TOWNSHIP BOARD**

- A. After receiving the recommendation(s) of the Planning Commission, the Township Board, at any regular meeting or at any special meeting called for that purpose, shall

consider said findings of fact and recommendations and vote upon the adoption of the petitioned amendment.

1. The Township Board may accept, modify or reject the Planning Commission's recommendation. If the Township Board rejects the recommendation, the petition is not required to be remanded back to the Planning Commission for review prior to Township Board action on the petition.
  2. The petition may be remanded back to the Planning Commission for additional review at the discretion of the Township Board.
- B. The Township Board may hold additional public hearings if it considers it necessary. Notice of a public hearing by the Township Board shall be published in a newspaper of general circulation in the Township. The notice shall be given not more than fifteen (15) days nor less than five (5) days before the public hearing before Township Board.

## **SECTION 805          CONDITIONAL REZONING**

- A. As part of a petition to amend the zoning designation of property, an owner of land may voluntarily offer in writing certain standards, stipulations, prohibitions, or measurable criteria regarding the use and development of the property as a condition to the approval of the amendment.
- B. In reviewing and approving an offer of conditions, the Planning Commission may recommend and Township Board may establish a time period during which the conditions apply to the land under petition.
1. If the conditions are not satisfied within the time specified, the Township Board may rezone the property to its former zoning classification or other classification. The time period specified may be extended upon the application of the property owner and approval of the Township Board.
  2. Township Board shall not add to or alter the conditions during the time period specified.
- C. It shall not be required of the property owner to offer conditions as a requirement set forth by the Planning Commission or Township Board in order to obtain the amendment. The lack of an offer of conditions shall not otherwise affect a petitioner's rights under Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended, (MCL 125.3101 et seq.), the Ordinance, or any other laws of this state.

**SECTION 806        EFFECTIVE DATE AND NOTICE OF ORDINANCE  
ADOPTION**

- A.     Except as otherwise provided under Section 807, an amendment shall take effect upon the expiration of seven (7) days after publication as required below or at such later date after publication as specified by the Township Board.
  - 1.     Following adoption of an amendment by the Township Board, the amendment shall be filed with the Clerk and a notice of adoption published in a newspaper of general circulation in the Township within fifteen (15) days after adoption.
  - 2.     The notice required under this section shall include the following information:
    - a.     A summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment;
    - b.     The effective date of the ordinance or amendment; and
    - c.     The place where and time when a copy of the petition and amendment may be purchased or inspected.
  
- B.     A copy of the notice shall also be mailed to the airport manager of an airport entitled to be noticed under the Michigan Zoning Enabling Act No. 110 of the Public Acts of Michigan of 2006, as amended, (MCL 125.3101 et seq.).

**ARTICLE 9**

**PLANNED UNIT DEVELOPMENT**

**SECTION 901 INTENT AND PURPOSE**

- A. Planned Unit Development (“PUD”) regulations are intended to provide for various types of land uses planned in a manner in order to meet the intent and purposes of the Fulton Township Zoning Ordinance (“Ordinance”). The provisions of this Article provide the authority and standards for the submission, review, and approval of an application for a PUD district and development within a PUD district.

**SECTION 902 PLANNED UNIT DEVELOPMENT GENERAL STANDARDS**

- A. The granting of approval of a PUD petition shall require an amendment of the Zoning Map upon the recommendation of the Planning Commission and approval of the Township Board.
  - 1. Any land use authorized in this Ordinance in any district may be included in a PUD subject to adequate public health, safety, and welfare protection mechanisms and conditions to ensure the compatibility of land use within and beyond the boundaries of the PUD.
- B. The applicant for a PUD must demonstrate all of the following as a condition to being entitled to consideration under this Article:
  - 1. Granting of a PUD will result in one (1) of the following:
    - a. A material benefit to the community that would be unfeasible or unlikely under typical zoning provisions or unlikely to be achieved without application of the provisions of this Article; or
    - b. Provide a significant improvement and lasting positive impact to the economic future of the Township through housing, jobs or services;
    - c. Long-term protection and preservation of natural resources and features of a significant quantity and/or quality that would not be feasible or unlikely without application of this Article; or
  - 2. The proposed PUD shall be consistent with the protection of the public health, safety and welfare of the residents and business owners of the Township and the proposed type and intensity of use shall not:
    - a. result in an unreasonable increase in the need for or burden upon public services, facilities, streets and utilities; or

- b. result in an unreasonable negative environmental impact on the subject site or surrounding land; or
  - c. result in an unreasonable negative economic impact upon surrounding properties.
3. The PUD shall be under single ownership and/or control so that there is a single person or entity having responsibility for completing the proposed development under an approved PUD in conformity.
  4. The PUD shall be consistent with the goals, objectives and policies of the Fulton Township Master Plan (“Master Plan”).

**SECTION 903                   PROCEDURE FOR REVIEW**

- A. Prior to the submission of an application for PUD approval, the applicant shall meet with the Zoning Administrator, together with any staff or consultants deemed appropriate by the Zoning Administrator, for a pre-application meeting.
  1. The applicant shall present a sketch plan of the proposed PUD, as well as the following information:
    - a. Total number of acres in the project;
    - b. number of residential units;
    - c. number and type of nonresidential uses;
    - d. acres to be occupied by each type of use;
    - e. the known deviations from typical Ordinance standards and regulations to be sought;
    - f. number of acres to be preserved as open or recreational space; and
    - g. all known natural resources and natural features to be removed and/or preserved.
  2. Within six (6) months of the pre-application meeting, the applicant shall submit a preliminary plan of the proposed PUD for consideration by the Planning Commission or schedule another pre-application meeting.
- B. A preliminary plan submitted for review and approval shall contain information as required under Section 504.A in addition to the following

1. For buildings/structures known at the time of petition to be located within the PUD, show the location, outline, general dimensions, distances between, floor area, number of floors, height, general floor plans and elevations, number and type of dwelling units.
  2. For use areas (which are portions of the PUD dedicated to a particular use in future), provide the location and dimensions of use areas, a listing of the uses permitted, dimensional requirements for future development, maximum floor coverage, and density.
  3. For structures known at the time of the petition to be located within the PUD and for use areas where development is anticipated in the future through site plan review, provide parking information, such as dimensions of spaces and aisles, surface type, and a schedule of regulations for parking, or parking calculation postpone.
  4. Anticipated infrastructure construction and development phasing for the overall PUD.
  5. A narrative describing the project, a discussion of the market concept and feasibility of the project, and an explanation as to the manner that the criteria set forth in this Article and Ordinance have been met.
  6. Specification of all deviations from this Ordinance that would otherwise be applicable to the uses and development proposed in a typical zoning district in the absence of an application for a PUD.
- C. Utilizing the process and procedure outlined in Article 8, the preliminary plan shall be noticed for public hearing as a zoning amendment before the Planning Commission. Following the hearing, the Planning Commission shall review the preliminary plan and shall take one of the following actions:
1. Upon finding that the preliminary plan meets the criteria and standards set forth in Sections 507 and finding that the petition generally satisfies the provisions of Sections 604.A and 803.C, the Planning Commission shall grant preliminary approval.
    - a. Approval shall constitute preliminary approval of the uses and design concepts as shown on the preliminary plan and shall confer upon the applicant the right to proceed with the preparation of the final plan.
    - b. Approval of the preliminary plan by the Planning Commission shall not constitute rezoning of the property to PUD nor bind the Planning Commission or the Township Board to approval of the final plan.
  2. Upon finding that the preliminary plan does not meet the criteria and standards set forth in Section 507 and/or satisfy the provisions of Sections



604.A and 803.C, but could meet such criteria if revised, the Planning Commission may postpone action until a revised preliminary plan is resubmitted.

- a. If a revised preliminary plan is not submitted within six (6) months of the action to postpone by the Planning Commission, the application for PUD shall automatically be null and void.
3. Upon finding that the preliminary plan does not and cannot meet the criteria and standards set forth in Section 507 and/or satisfy the provisions of Sections 604.A and 803.C, the Planning Commission shall deny the preliminary plan.
- D. Within six (6) months following receipt of the Planning Commission's approval of the preliminary plan, the applicant shall submit a final plan and supporting materials conforming to this section and information requested to be provided as part of the review of the preliminary plan. If a final plan is not submitted by the applicant for final approval within six (6) months following receipt of Planning Commission approval, the preliminary plan approval shall automatically be null and void.
- E. A final plan submitted for review and approval shall contain information as required under Section 505.A as well as the following:
1. Description of land division mechanism, or property transfer mechanism, to be utilized in the implementation of the PUD (i.e. simple land division, plat, site condominium, condominium, lease, etc.).
  2. Specific requirements for residential developments and use areas.
    - a. A complete schedule of the number of lots/sites, lot area per dwelling unit and type of dwelling units, density requirements (minimums & maximums).
    - b. A schedule of regulations for dimensional requirements depending on the development type, use area, and the list of permitted uses cited for the particular area.
    - c. A schedule of landscaping regulations and requirements depending on the development type, use area, and the list of permitted uses and density cited for the particular area.
    - d. Amount and location of recreation spaces; type of recreation facilities to be provided in identified recreation space.
    - e. Community building criteria and other accessory uses, such as swimming pools, clubhouses, etc.

- f. Architectural standards for buildings; sample facades and elevations are to be provided.
  - 3. Specific requirements for non-residential developments and use areas.
    - a. Ground floor coverage and floor area ratio minimums and/or maximums.
    - b. A schedule of regulations for dimensional requirements depending on the development type, use area, a list of permitted uses, and intensity of use cited for the particular area.
    - c. A schedule of landscaping regulations and requirements depending on the development type, use area, and the list of permitted uses cited for the particular area.
    - d. Architectural standards for buildings using sample facades and elevations.
  - 4. Specification of all deviations from this Ordinance that would otherwise be applicable to the uses and development proposed in a typical zoning district in the absence of an application for a PUD.
  - 5. A schedule of the general improvements for the development of the site, including, without limitation, roadways, utilities, landscaping, etc.
  - 6. A traffic impact study, the geographic scope of which to be determined by the Planning Commission as part of the preliminary plan approval.
- F. Utilizing the process and procedure outlined in Article 8, the final plan shall constitute an application to amend this Ordinance and shall be noticed for public hearing as a zoning amendment before the Planning Commission, and otherwise acted upon by the Planning Commission and the Township Board, as provided by law.
- 1. Upon finding that the final plan meets the criteria and standards set forth in Sections 507 and satisfies the standards for approval set forth in Sections 604.A and 803.C, the Planning Commission shall recommend approval to the Township Board.
    - a. The Planning Commission shall submit to the Township Board a detailed recommendation relative to the PUD project. This recommendation shall include a statement of rationale and a listing of all applicable conditions.
  - 2. Upon finding that the final plan does not meet the criteria and standards set forth in Section 507 and/or the standards for approval set forth in Sections

604.A and 803.C, but could meet such criteria if revised, the Planning Commission may postpone action until a revised final plan is resubmitted.

- a. If a revised final plan is not submitted by the applicant for final approval within six (6) months following the tabling of the final plan application, the preliminary plan approval and application for final plan approval shall automatically be null and void.
3. Upon finding that the final plan does not and cannot meet the criteria and standards set forth in Section 507 and/or the standards for approval set forth in Sections 604.A and 803.C, the Planning Commission shall recommend denial to the Township Board.
- G. Upon receiving a recommendation from the Planning Commission, the Township Board shall review the final plan. Taking into consideration the recommendations of the Planning Commission and the criteria and standards set forth in Section 507 and finding that the Final Plan meets or does not meet the standards for approval set forth in Sections 604.A and 803.C, the Township Board shall approve, deny or remand the final plan back to the Planning Commission for further review.
1. Prior to approval of a final plan, the Township Board shall require all standards and conditions of approval to be incorporated in a Development Agreement. The Development Agreement may be reviewed by the Township Attorney and shall be approved by the Township Board, and signed by both an agent of the Township and the applicant.

## **SECTION 904 PROJECT DESIGN STANDARDS**

### **A. Residential Design Standards**

1. Density for residential uses shall be based upon the provisions of the Master Plan, uses being proposed and their corresponding densities in other districts where such uses are permitted by right and special land use.
2. The architectural design of the development shall be of a high quality. A range of elevations and floor plans shall be provided for single-family units and identical elevations shall not be permitted for units adjacent to or facing each other.
3. Landscaping and screening shall be considered in accordance with the overall plan for development, including separation of contrasting land uses and intensity of uses. Landscaping and screening shall not only be used for purposes of separation, but for integration of land uses, vehicular routes and pedestrian ways.

### **B. Non-Residential Design Standards**

1. Density and ground floor coverage minimums and maximums shall be based upon the provisions of the Master Plan, the uses being proposed, and corresponding densities and ground floor coverage's in other districts where such uses are permitted by right and by special land use.
2. Non-residential uses may be permitted in combination with residential uses as part of a common development. Non-residential uses, including parking and vehicular traffic ways, shall be integrated with residential uses in a manner consistent with good land and community planning principles.
3. The architectural design of the development shall be of a high quality and intended to reduce the large-scale visual impact of structures, encourage integrative design for individual structures, and to create a complex of structures compatible with the streetscape.
4. Landscaping and screening shall be considered in accordance with the overall plan for development, including separation of contrasting land uses and intensity of uses. Landscaping and screening shall not only be used for such purposes of separation, but for integration of land uses, vehicular routes and pedestrian ways.

C. General Design Standards.

1. All regulations applicable to setbacks, parking and loading, general provisions, density and other requirements shall be met in relation to each respective land use in the PUD based upon zoning districts where the uses are listed as permitted uses, or uses permitted by special land use.
  - a. Deviations with respect to such regulation may be granted as part of the overall approval of the PUD, provided features or elements demonstrated by the applicant and deemed adequate by the Planning Commission are designed into the PUD plan for the purpose of achieving the intent and purpose of this Article and Ordinance.
2. To the maximum extent possible, the PUD shall be designed so as to preserve natural resources and features.
3. Road, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
4. Underground installation of utilities shall be required, including electricity and telephone.
5. Pedestrian walkways shall be separated from vehicular circulation, unless such integration is part of the overall development concept.

6. Signage, lighting, landscaping, building materials for the exterior of all structures shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
7. Where non-residential uses adjoin off-site residentially zoned, planned or used property, noise reduction and visual screening shall be emphasized.

**SECTION 905            CONDITIONS**

- A. Reasonable conditions may be required with the approval of a PUD for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased services and facilities caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a manner consistent with the intent and purpose of the Master Plan, Ordinance and this Article.
- B. All conditions imposed shall be made a part of the record of the approved PUD and included in the development agreement.

**SECTION 906            PHASING, SITE PLAN REVIEW AND COMMENCEMENT**

- A. For a PUD to be constructed in phases, the design shall be such that each phase shall be capable of standing on its own as it pertains to services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area.
  1. All conditions that are phase specific shall be completed during development of the subject phase, and cannot be postponed for completion during other phases.
  2. In PUD's that include residential and non-residential uses, the mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable at the discretion of the Planning Commission and Township Board.
- B. Uses approved as part of the adoption of a PUD shall be permitted by right as long as such uses are implemented in accordance with the approval by the Township Board of the final plan and development agreement.

1. All development proposed within the PUD must receive final site plan approval pursuant to Article 5 of this Ordinance.
  2. Those proposed developments requiring review under the Land Division Act (Public Act 288 of 1967, as amended) or the Condominium Act (Public Act 59 of 1978, as amended), especially in the case of the platting of a subdivision, must file proper application for review under respective processes contained herein.
  3. The application for final site plan review, application under the Land Division Act or Condominium Act will be reviewed utilizing the regulations set forth in the PUD district and must be found in compliance with said district, final plan and development agreement.
- C. Initial construction of the PUD shall commence within one (1) year following final approval of and shall proceed substantially in conformance with the phasing plan and schedule set forth in the final plan.
1. If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void, provided, an extension for a specified period may be granted by the Township Board.
  2. In the event that approvals have expired, the Township Board, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in light of then existing and applicable law and Ordinance provisions.

**SECTION 907                      EFFECT OF APPROVAL**

- A. Upon approval, the PUD and corresponding amendment to the Zoning Map, with all conditions imposed, shall constitute the land use authorization for the property, and all future improvement and use shall be in conformity with such amendment.

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## **ARTICLE 10**

### **LANDSCAPING, BUFFERING AND SCREENING**

#### **SECTION 1001 INTENT AND PURPOSE**

- A. The intent and purpose of this Article is to promote the public health, safety, and general welfare through the implementation of landscaping, buffering and screening as part of the development process of land by:
1. Minimizing noise, air, and visual pollution by requiring landscaping for each development for which site plan, special land use, site condominium and subdivision plat review and approval is required.
  2. Protecting and preserving the appearance, character, and value of the community and its residential neighborhood areas.
  3. Buffering incompatible land uses, including off-street parking for such uses, so as to minimize negative impacts or influences and to provide clear and distinct separation.
  4. Providing separation between pedestrian and vehicular travel and movement in a development area and well as separating same between development area and abutting public rights-of-way.
  5. Encouraging an appropriate mixture of plant material to protect against insect and disease infestation and produce aesthetic and cohesive design.
  6. Preventing soil erosion and soil depletion by providing adequate open space for purposes of retention, detention and natural infiltration.
  7. Protecting and preserving the appearance, character, and value of the community and its natural resources by encouraging the integration of existing woodlands and other natural features in landscape plans

#### **SECTION 1002 LANDSCAPING PLAN**

- A. These requirements shall apply to all uses for which site plan review is required and any other use or implementation of use so specified in this Ordinance, including petitioned site condominiums and subdivision plats.
- B. A landscape plan shall be required to be submitted as part of an application for site plan, special land use, plat or site condominium approval or as a separate plan depending on the situation and the petitioned development. Whether separate, or part of other site plan drawings, the landscape plan shall include, but not necessarily be limited to, the following:



1. Location, spacing, size, and common name for each plant type proposed for use within a required landscape area.
  2. Presentation at an appropriate scale depending on the size of the proposed development and given what is deemed adequate to convey important information.
  3. Typical cross-sections including slope, height, and width of berms exceeding three (3) feet in height, type of ground cover, or height and type of construction of walls.
  4. Identification of existing trees and vegetative cover to be preserved.
  5. Identification of landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with the standards of this Ordinance at the next available planting season.
- C. An approved landscape plan shall be considered part of a site plan, special land use, site condominium or plat. Any revisions to, or removal of plant materials will be viewed as a violation of this Ordinance and the agreed upon terms of the approval of the site plan, special land use, site condominium or plat from which the landscaping plan was approved.

### **SECTION 1003      LANDSCAPING STANDARDS**

- A. All landscaping shall be installed in a manner consistent with accepted planting procedures and in accordance with the approved landscaping plan:
1. Minor deviations from the approved landscaping plan may be permitted by the Zoning Administrator upon determination that the deviation does not substantially impact the overall concept of the landscape plan and the intended development.
  2. If the deviation is determined to be major, the landscaping plan shall be reviewed via the site plan approval process utilized to approve the original landscaping plan.
- B. In consideration of landscaping material proposed to be implemented as part of a development, landscaping shall be healthy and vigorous in appearance, free from disease and pests, and shall have a well-developed root systems and been chosen according to soil, local climate conditions and environmental factors.
1. Minimum sizes of plant material shall be in accordance with the following:
    - a. Standard deciduous trees shall have a minimum caliper of two (2) inches four (4) feet from ground level at the time of planting.

- b. Small deciduous ornamental trees shall be a minimum of five (5) feet in height from ground level at the time of planting.
  - c. Coniferous trees shall be a minimum of five (5) feet in height from ground level at time of planting.
  - d. Shrubs shall be a minimum of two (2) feet in height from ground level at the time of planting or two (2) feet in spread if plants are low spreading evergreens.
2. Lawn as ground cover shall be planted in species of grass normally grown as permanent lawns in the region. Lawn may be implemented as sod or seeded and mulched. Ground cover types in lieu of lawn in whole or part shall be implemented in such a manner as to present a finished appearance.
- C. Landscaping berms used for screening and buffering shall be constructed with slopes not to exceed a one (1) on three (3) gradient with side slopes designed and planted to prevent erosion. Berms shall also be constructed with a top surface of at least three (3) feet, extending the length of the berm, unless deemed by the Planning Commission to be inconsistent with the landscaping concept. Berm slopes shall be protected with sod, seed, shrubs or other form of natural ground cover.

## **SECTION 1004 SPECIFIED LANDSCAPING AREAS**

### **A. Screening Between Conflicting Land Uses**

- 1. Between a residential land use and a non-residential or higher-intensity residential land use there shall be provided and maintained one (1) of the following:
  - a. An obscuring wall, screening fence or landscape barrier having a minimum height of five (5) feet unless a greater height is specified elsewhere in this Ordinance due to the specific nature of the use.
  - b. A buffer zone at least ten (10) feet in width to substantially screen the uses from each other. The width, contents and landscaping material may be increased if specified elsewhere in this Ordinance due to the specific nature of the use.

### **B. Parking Lot Landscaping**

- 1. Separate landscape islands shall be required within parking lots of eighteen (18) spaces or greater. No more than sixteen (16) spaces in a row are permitted without a landscape island.

- a. Landscaping islands shall be no less than eight (8) feet in width and contain one (1) deciduous or coniferous tree. Other plantings, such as shrubs and flower beds, within landscaping islands may also be provided, but shall not be provided in lieu of a tree.
  - b. Landscape islands shall be curbed or, at the discretion of the Planning Commission, be implemented in a manner where vehicle interference or damage to the landscape area, travel lanes or parking area is prevented.
  - c. Where size or configuration of parking lot would prevent maintenance or impede traffic flow as a result of requiring landscaped islands within parking lots, the Planning Commission may approve alternative landscaping along the parking lot perimeter.
2. Landscape strips a minimum of five (5) feet (clear of vehicle overhangs) are required to be provided between paved parking surfaces and property lines.
    - a. For every eight (8) parking spaces proposed there shall be one (1) deciduous or coniferous tree and two (2) shrubs planted in the landscape strip.
    - b. Where feasible a minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of pavement.

#### C. Greenbelts

1. Within the required front yard setback of the zoning district, a greenbelt shall be provided and landscaped in accordance with the following requirements:
  - a. Excluding that number associated with parking lot perimeter landscaping, a minimum of one (1) deciduous or one (1) coniferous tree, plus three (3) deciduous and/or coniferous shrubs for every sixty (60) lineal feet, or fraction thereof, of frontage abutting a public road right-of-way.
  - b. The area utilized for access from public rights-of-way through required greenbelts shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.

#### D. Site Landscaping

1. In addition to any landscaping required by this section, ten (10) percent of the site area, excluding existing right-of-way, shall be landscaped.

2. Areas used for storm drainage purposes, such as unfenced drainage courses or retention areas in front or side yards, may be included as a portion of the required landscaped area but shall not exceed five (5) percent of the site area.
- E. Outdoor Storage in Commercial and Industrial districts
1. Outdoor storage of products or equipment in commercial and industrial districts is to be screened on all sides by a solid wall or fencing so as to provide security and limit the visual impact of an active commercial or industrial process from view of the public right-of-way or residential land uses.
  2. Outdoor storage of products for sale in a commercial development may not be required to be screened from the public road right-of-way unless there exists a significant number of residences along that right-of-way that would be impacted. All side and rear storage areas shall be appropriately screened.
- F. Screening of Trash Containers
1. Commercial bins and containers for waste and trash disposal shall be enclosed on all sides with a fence or masonry wall and a durable gate at least as high as the container, but no less than four (4) feet in height.
  2. Commercial bins and containers shall be consolidated to minimize the number of collection sites, and located so as to reasonably accommodate the buildings they serve and situated so as not to cause nuisance or offense to occupants of buildings.
  3. Commercial bins and containers (as well as constructed enclosures) shall be located away from public view where possible.
  4. Concrete pads of appropriate size and construction may be required for containers and bins or groups of containers and bins.

## **SECTION 1005      MODIFICATION**

- A. The Planning Commission may reduce or modify the foregoing requirements where cause can be shown that no good purpose would be served and that the modification would neither be injurious to the surrounding neighborhood now or in the reasonably anticipated future. The modification shall meet the spirit and purpose of this section.
- B. In situations where landscaping requirements are being considered for property where the adjacent property is vacant, the Planning Commission may also defer landscaping until such time adjacent property is petitioned for development. Deferred landscaping shall be shown on the site plan, but not implemented until such time that screening and buffering is deemed necessary by the Planning Commission.

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## ARTICLE 11

### OFF-STREET PARKING AND LOADING

#### SECTION 1101 INTENT AND PURPOSE

- A. It is the intent of this Ordinance that vehicle parking and loading shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees and patrons of each structure, premise and use commenced, constructed, operated altered or enlarged under the provisions of this Ordinance.

#### SECTION 1102 MEASUREMENT STANDARDS

- A. Unless specifically cited otherwise, the term “floor area” or “usable floor area” shall indicate the overall floor area excepting those areas used for incidental storage, mechanical installations, and other areas not commonly intended to be occupied other than for accessory and maintenance purposes.
- B. Where such use or structure utilizes benches, pews or similar group seating, each twenty-four (24) inches of such seating shall be counted as one (1) seat.
- C. When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half ( $\frac{1}{2}$ ) shall be disregarded and fractions over one-half ( $\frac{1}{2}$ ) shall require one (1) parking space.
- D. In the case of a use not specifically mentioned, the requirements of off-street parking for a use most similar shall apply. Such determination shall be made by the Zoning Administrator using a standard of “similar” and “comparable.” The Zoning Administrator may, at their discretion, submit for consideration to the Board of Appeals.
- E. Whenever a use requiring off-street parking is increased in floor area, or when interior building modifications result in an increase in capacity for use, parking shall be accounted for, provided and maintained in the proper ratio to the increased floor area or capacity.
- F. No parking lot or conglomeration of parking spaces utilized for a specific use implemented prior to the effective date of this Ordinance shall be reduced below the requirements of this Ordinance unless accommodation is made for joint use of parking or off-street parking located within the maximum required distance.
- G. Whenever four (4) or more vehicle parking spaces are required for a given use, the plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the Zoning Administrator before a zoning permit can be issued.

1. Such plans and specifications shall indicate the location, basis of capacity calculation, size, site design, surfacing, surface markings, lighting, drainage, curb cuts, entrances, exits, landscaping, and any other information essential to the complete design and construction of the parking area.

## **SECTION 1103 DEVELOPMENT STANDARDS**

### **A. Location of Parking Areas**

1. For all residential and non-residential structures and uses in residential zoning districts, required parking shall be provided on the premises with the structures or uses they are required to serve.
2. For non-residential structures and uses in non-residential zoning districts, required parking spaces shall be provided within three hundred (300) feet of the structure or use they are required to serve.

### **B. Use of Parking Areas**

1. No commercial repair work, servicing or selling of any kind shall be conducted in any designated parking space or area unless otherwise permitted by other provisions of this Ordinance.

### **C. The joint use of parking facilities by two or more uses may be permitted by the Planning Commission whenever such use is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design, and construction are met.**

1. A copy of an agreement between property owners for joint use shall be filed with the application for zoning and building permits and be recorded with the Register of Deeds. The agreement shall be perpetual and include a guarantee for continued use even upon transfer of ownership.

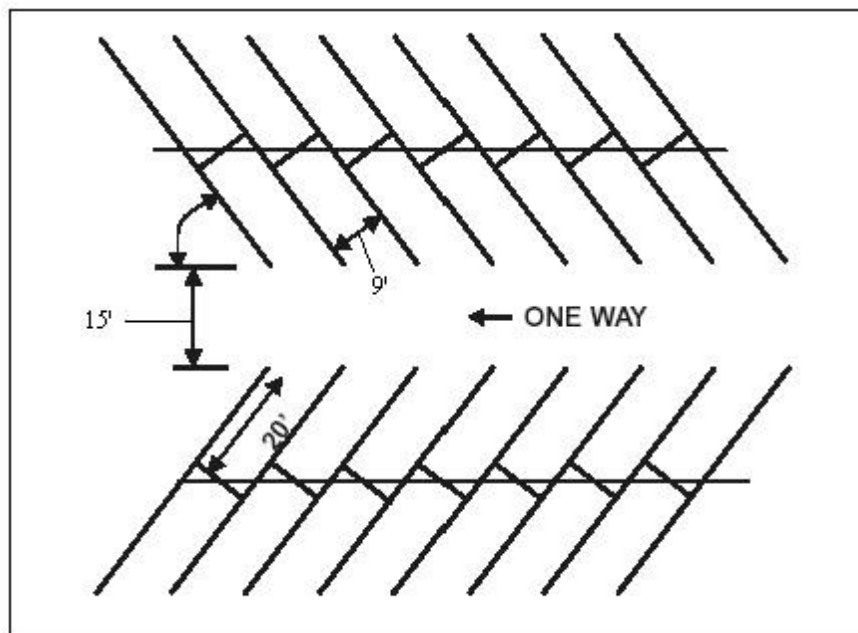
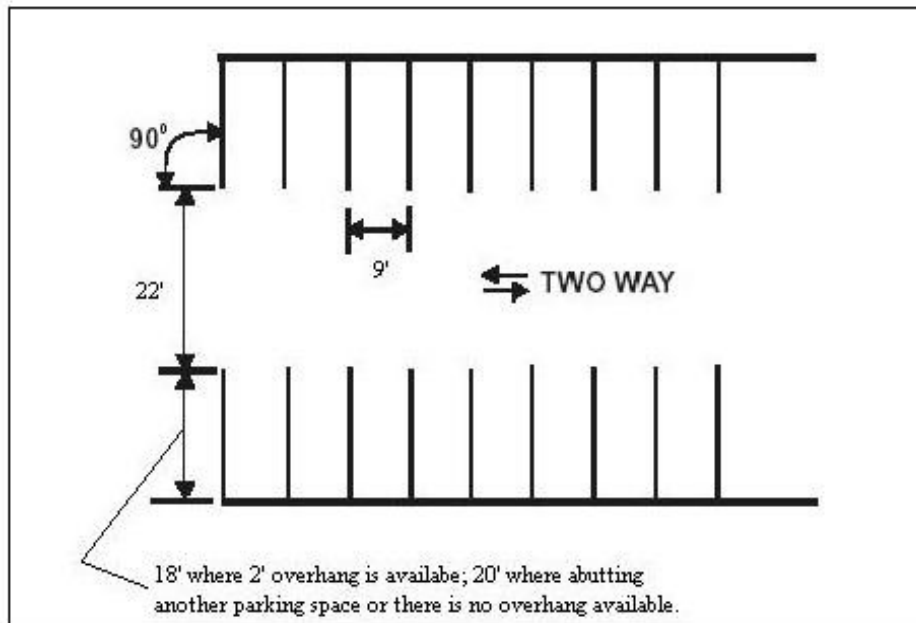
## **SECTION 1104 PARKING DEVELOPMENT STANDARDS**

### **A. All single and two-family residential off-street parking areas serving and being located on a residential lot shall be readily identifiable as a parking space and constructed of typical material (gravel, pavement or concrete).**

### **B. All non-residential and multiple-family off-street parking areas shall be designed, constructed, and maintained in accordance with the following standards and requirements:**

1. Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles. Parking demarcation shall be implemented with a durable paint or other material so as not to be removed during snow removal and parking lot cleaning.
2. Adequate ingress and egress to the parking area by means of clearly delineated and defined drives and access shall be provided.
  - a. Drives for ingress and egress to the parking area shall be so located as to secure the most appropriate development of the individual property, but also to encourage simple and uncongested turning movements.
  - b. Backing directly onto a public street from a non-residential use shall be prohibited.
3. Each parking space within an off-street parking area shall be provided with adequate access by means of maneuvering lanes. As provided below, the width of required maneuvering lanes may vary depending upon the proposed parking pattern.
  - a. For a ninety (90) degree parking pattern, a two-way maneuvering lane shall have a minimum of twenty-two (22) feet.
  - b. For a forty-five (45) degree parking pattern, a one-way maneuvering lane serving two parking bays shall have a minimum width of fifteen (15) feet and a two-way maneuvering lane shall have a minimum width of twenty-two (22) feet.
  - c. For a forty-five (45) degree parking pattern, a one-way maneuvering lane serving one parking bay shall have a minimum width of twelve (12) feet and a two-way maneuvering lane shall have a minimum width of twenty-two (22) feet.
  - d. For a parallel parking pattern, a one-way maneuvering lane shall have a minimum width of twelve (12) feet and a two-way maneuvering lane shall have a minimum of twenty-two (22) feet.
4. All parking spaces shall have usable parking areas at least nine (9) feet wide and twenty (20) feet in length. Parking spaces abutting an open space, sidewalk or curb may be eighteen (18) feet in length to take into account vehicle overhang. See Illustrations below:





5. Parking areas with a capacity of six (6) or more vehicles shall be paved and provide adequate drainage.
  - a. The Planning Commission and/or Township Board may permit such area to be graveled in review of a petition for site plan or special land

use approval or may consider at the request of the Zoning Administrator.

6. Parking Lot Lighting

- a. Except for single-family and two-family residential lots, adequate lighting shall be provided throughout the hours when the parking area is in operation. Where there are security concerns, lighting hours may be extended for all or part of the parking area at the discretion of the Planning Commission and/or Township Board.
- b. Lighting shall be designed and constructed in such a manner to ensure that direct or directly reflected light is confined to the development site and shall not illuminate property beyond the perimeter of the development site.
- c. Lighting fixtures shall be down-directed having one hundred (100) percent cut off with no protruding lenses. Direct light and/or glare shall not be emitted at angles above the horizontal plane.

C.

Il single and two-family residential off-street parking areas serving and being located on a residential lot shall be readily identifiable as a parking space and constructed of typical material (gravel, pavement or concrete).

**SECTION 1105      PARKING SPACE REQUIREMENTS**

A. The number of required off-street parking spaces for land uses shall be provided as follows.

1. Residential Uses

- a. One and Two-Family Dwellings: two (2) spaces per dwelling unit.
- b. Multiple Dwellings: Two (2) spaces for each dwelling unit plus one space per each five (5) dwelling units for guest parking.
- c. Convalescent/Nursing Homes: One (1) space per four (4) persons of licensed capacity plus one (1) space per employee.
- d. Group Homes: One (1) space per employee plus one (1) space for every three (3) residents of the home.
- e. Manufactured Housing Park: Two (2) spaces for each lot, dwelling unit or site plus one (1) space per five (5) lots, sites or dwelling units for guest parking.

2. Institutional Uses

- a. Assembly Uses (Auditoriums, Churches, Stadiums, Gyms, Theaters, with Fixed Seats): One (1) space for each four (4) seats.
- b. Private Schools: One (1) space for every two (2) employees, plus one (1) space for every ten (10) students of maximum occupancy.
- c. Libraries, Museums, Post Offices: One (1) space for every eight hundred (800) square feet of floor area plus one (1) space for every two (2) employees on the largest shift.

3. Commercial Uses

- a. Day care center: One (1) space for each employee on the largest working shift plus one (1) space per four (4) persons of licensed capacity.
- b. Retail Sales: One (1) space per two hundred (200) feet of usable floor area.
- c. Dance Halls, Pool and Billiard Rooms: One (1) space per every three (3) persons of determined maximum capacity of structure.
- d. Fast-Food Restaurants & Drive-Thru: One (1) space for every four (4) seats plus one (1) space for each employee on the largest shift.
- e. Kennels (commercial): One (1) space for each five (5) animals of the facility's capacity, plus one (1) space for every two (2) employees.
- f. Laundromat: One (1) space for every three (3) washing or drying machines.
- g. Restaurants, Cafeterias, Taverns, Bars: One (1) space for every three (3) seats.
- h. Supermarket, Self-Service Food Store: One (1) space for every two-hundred (200) square feet of usable floor area.

4. Office and Services Uses

- a. Offices: One (1) space for every two-hundred (200) square feet of usable floor area.
- b. Barber Shops and Beauty Parlors: Two (2) spaces for each beauty and/or barber chair.

- c. Clinics: Two (2) spaces for each examination or treatment room, plus one (1) space for each employee on the largest shift.
  - d. Funeral Homes and Mortuaries: One (1) space for every forty (40) square feet of usable floor area, including chapels and assembly rooms.
- 5. Automotive Uses
  - a. Automobile Service and Repair Stations: Two (2) spaces for each repair and service stall, plus one space per every two (2) employees on the largest shift.
  - b. Automotive Sales: One (1) space per two hundred (200) square feet of usable floor area.
- 6. Recreational Uses
  - a. Golf Clubs, Tennis Clubs or Other Similar Recreation Clubs: Four (4) spaces per green plus one (1) space for every two (2) employees on the largest shift.
  - b. Miniature Golf Courses Batting Cages, and Driving Ranges: Three (3) spaces per hole, cage or driving range plus one (1) space for each employee on the largest shift.
- 7. Industrial Uses
  - a. Industrial or Manufacturing Establishments: One (1) space for every three (3) employees on the largest shift.
  - b. Warehouses, Wholesale Stores: One (1) space for every eight hundred (800) square feet of usable floor area.

**SECTION 1106      LOADING AND UNLOADING SPACE REQUIREMENTS**

- A. In order to prevent interference with public use of streets and alleys, every use receiving or distributing material or merchandise by vehicle shall provide a dedicated space on the premises for loading and unloading.
- B. For all loading and unloading spaces required, there shall be provided adequate area for standing, loading, and unloading that is not less than ten (10) feet in width, twenty-five (25) feet in length.

- C. No loading and/or loading space shall be located closer than twenty (20) feet to any lot located in a residential district unless confined in a completely enclosed structure or enclosed on all sides by a wall, fence or compact planting not less than six (6) feet in height.

**SECTION 1107 DRIVE-THRU STACKING**

- A. All businesses that provide drive-thru facilities for the service of customers within an automobile shall provide adequate off-street stacking space and travel lanes that meeting the following requirements:
  - 1. For purposes of maneuverability, each stacking space shall be computed on the basis of nine (9) feet in width and eighteen (18) feet in length.
  - 2. Clear identification and delineation between the drive-thru facility and parking lot shall be provided. Drive-thru facilities shall be designed in a manner that promotes pedestrian and vehicular safety.
  - 3. For all drive-thru facilities, which have a single stacking lane, an escape lane shall be provided which allows other vehicles to pass those waiting to be served.
  - 4. Four (4) stacking spaces per service lane shall be provided.

**SECTION 1108 MODIFICATIONS AND REDUCTIONS**

- A. During review of a site plan or special land use, the Planning Commission may authorize a modification or deferment of any of the off-street parking or loading regulations provided in this Article based upon findings, standards and conditions as provided below.
  - 1. The Planning Commission is authorized to reduce the minimum number of parking spaces required upon finding the minimum requirements are excessive given the particular and specific characteristics of the proposed use of property and the site upon which the use is proposed.
  - 2. The Planning Commission is authorized to permit, or require that parking spaces be deferred upon finding that the number of parking spaces proposed is in excess given the particular and specific characteristics of the proposed use of property and the site upon which the use is proposed.

## ARTICLE 12

### SIGNAGE

#### SECTION 1201 INTENT AND PURPOSE

- A. The purpose and intent of this Article is to regulate the location, size, construction, and manner of display of signs and off-premise advertising in order to minimize effects of the signage on the character and well-being of the Township of Fulton (“Township”). While it is recognized that signs and off-premise advertising are necessary to promote commerce and public information, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of business and residential areas, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists.
- B. To achieve the intent and purpose, the following objectives are considered in the development of these provisions:
1. To prevent the placement of signs in a manner that will conceal or obscure signs of adjacent businesses.
  2. To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products.
  3. To keep signs within a reasonable scale with respect to the uses and structures they identify.
  4. To reduce visual distraction and obstructions to motorists traveling along, entering or leaving streets.
  5. To promote quality that enhances the character of the Township.
- C. Unless prescribed elsewhere in this Ordinance, a zoning permit is required in order to erect, affix or place a sign.

#### SECTION 1202 GENERAL SIGN PROVISIONS

- A. All signs shall be designed, constructed and maintained in compliance with the following standards:
1. Identification signs must be constructed of processed material, such as plastic, metal or finished (professional sanded and painted) wood. In no case shall unfinished material, such as untreated and unfinished plywood, be utilized on a sign that is subject to the Ordinance.

- B. Unless otherwise provided for herein, all signs must advertise a use or service on the premises upon which the sign is located and to which the sign is accessory to the approved use or development.
- C. Illumination of signs shall adhere to the following provisions:
1. Only indirectly illuminated signs shall be allowed in residential districts provided that such lighting is so shielded as to prevent direct light rays from being visible from a public right-of-way or any adjacent residential structure or zoned property.
  2. Indirectly or internally illuminated signs are permitted in non-residential districts provided that such lighting is so shielded as to prevent direct light rays from being visible from a public right-of-way or any adjacent residential structure or property.
  3. Signs with blinking, flashing, or fluttering lights or other illuminating devices having a changing light intensity, brightness, or color, and that are constructed and operated as to create an appearance of writing or printing are permitted in non-residential zoning districts provided that:
    - a. such signs are so shielded as to prevent direct light rays from being visible from a public right-of-way or any adjacent residential structure or property; and
    - b. the use of animated or Liquid Crystal Display (“LCD”) or other methods of technology whereas the advertisement is presented in format the same or similar to that of a television or motion picture is not permitted.
- D. The following construction and safety standards shall apply to all signs constructed in the Township:
1. All signs shall be erected and maintained in compliance with all applicable construction codes, and other applicable ordinances governing construction of signs. In the event of conflict between this Ordinance and other laws, the most restrictive shall govern.
  2. All signs shall be so placed as to not interfere with the visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or pedestrian movement on any public sidewalk.
  3. No sign shall be erected, relocated or maintained so as to obstruct fire fighting or prevent free access to any door, window or fire escape.

- E. Signs shall be measured as follows:
1. The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all the elements of the matter displayed.
    - a. here a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except where two such faces are placed back to back, parallel to one another, and are twelve (12) inches or less apart. In this circumstance, the area of the sign shall be the area of one face.
    - b. he measurable area does not include support structures and embellishments, such as poles, pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such.
    - c. f the sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign.
    - d. pecific to wall signs, if the sign is composed of individual letters or symbols using a wall or window as the background with no added decoration, the total sign area shall be calculated by measuring as a single, continuous perimeter composed of any straight line geometric figure that encloses the extreme limits of the advertising message. The area internal to this perimeter shall be the area of the sign.
- F. Excepting wall signs on existing occupied structures and legally non-conforming occupied structures, all signs, as measured at the outer edge of the sign, shall maintain a minimum setback of ten (10) feet from all property lines and/or the right-of-way unless otherwise specified herein.
- G. Signage prohibited in all districts is as follows:
1. Signs not expressly permitted are prohibited.
  2. Signs that imitate or obscure traffic signals, traffic direction signs, or similar traffic control devices, and signs which make use of words such as “Stop”, “Look”, “Danger”, or any other words, phrases, symbols or characters as to possibly interfere with, mislead or confuse motorists.



3. Signs mounted upon trucks, vans, or other wheeled devices temporarily parked in a location for advertising purposes.
    - a. Signs permanently painted on, or otherwise permanently displayed upon a vehicle, licensed and operating on the public streets and highways, identifying the owner's occupation or livelihood, shall be permitted, provided that said vehicle is operational and utilized on a daily basis.
  4. All signs, other than those erected by a public agency, that are located within or overhang the public right-of-way or on public property are not permitted.
- H. With the exception of construction and safety provisions found herein, the following signs are exempt from this Article and a permit is not required for their installation:
1. Nameplates containing only a residents name and address not exceeding two (2) square feet in size.
  2. Political campaign signs announcing candidates seeking public office.
  3. “No Hunting,” “No Fishing,” “No Trespassing” signs if less than two (2) square feet in area.
  4. Historical Markers.
  5. Signs of a non-commercial nature and in the public interest, erected by a public officer in the performance of his public duty. Examples include directional signs, regulatory signs, cautionary signs and information signs.
  6. Names of buildings, dates of erection, monument citations, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of other permanent type construction and made an integral part of the structure or grounds.
  7. Any “For Sale” sign affixed to a wall, mailbox, post, lamp post, or pillar which is not larger than two (2) square feet in display area. See Section 1205 for information regarding real estate advertising signs.
  8. Flags or banners bearing the official design of a nation, state, municipality, educational institution and organization.
  9. Signage erected to advertise events, festivals, and activities initiated, sponsored, or endorsed by the Township Board.
- I. One (1) portable changeable copy temporary sign shall be permitted:

- a. The sign shall be placed so as not to encumber safe and efficient pedestrian and vehicular traffic movement.
- b. The sign shall not exceed thirty-two (32) square feet in size and have a height no greater than five (5) feet in height.
- c. Such sign shall be placed at least ten (10) feet from the road-right-of-way and any property line shared with a residentially zoned property.

## **SECTION 1203 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS**

- A. The following signs are permitted in zoning districts where residential use and development is a permitted use.
  1. One free-standing residential development identification sign is permitted for each public street frontage of a subdivision, site condominium, multiple-family development, or a manufactured housing park.
    - a. Each free-standing residential development identification sign shall not exceed eighteen (18) square feet in area and shall not exceed five (5) feet in height from ground level to top edge of display. Gross height of the sign, including decorative masonry or fencing shall not exceed eight (8) feet from ground level.
    - b. One (1) additional sign advertising "For Rent" or "Vacancy" may be placed on each public street frontage of a rental development, provided that such sign shall not exceed nine (9) square feet in area.
    - c. Signs permitted pursuant to the preceding two (2) items shall be setback no less than one-third (1/3) the minimum required front yard setback pursuant to the underlying zoning district.
    - d. Pole mounted signs are not permitted.
  2. For approved or legally non-conforming home occupations or home based businesses, one (1) non-illuminated name plate, not more than four (4) square feet in area, may be attached to the structure. The sign shall contain only the name, occupation, and address of the premises.
    - a. If the structure housing the home occupation or home based business is more than fifty (50) feet from the road right-of-way, the sign for the home occupation may be mounted on a post no less than ten (10) feet from the road right-of-way. The gross height of signage shall not exceed six (6) feet from ground level.

3. One identification sign shall be permitted for each public street frontage having a curb cut for vehicle entrance for a private school, church building, park, municipal buildings, civic organizations, quasi public uses, or other authorized non-residential use or legal nonconforming use in a residential or agricultural district.
  - a. Each sign shall not exceed eighteen (18) square feet in area. Signs shall not exceed five (5) feet in height from ground level to top edge of display. Gross height of the sign, including decorative masonry or fencing shall not exceed eight (8) feet from ground level.
  - b. Pole mounted signs are not permitted.

### **SECTION 1204 SIGNS PERMITTED IN NON-RESIDENTIAL DISTRICTS**

- A. The following signs are permitted in association with single lot developments in zoning districts where non-residential development is a permitted use.
  1. Each structure is permitted a maximum signage area for one or combination of wall signs no greater than one (1) square foot of sign area for each one (1) linear foot of the structure width or height (whichever is greater) that faces one public street. Wall signs may also be projecting signs. Such signs shall project no more than four (4) feet from the building line of the structure that it serves and be at a height no less than twelve (12) feet above finished grade. No sign shall project higher than the roof line of the building that it serves, nor project into the public right-of-way.
  2. Each developed lot is permitted a free-standing identification sign subject to the following provisions:
    - a. A free-standing identification sign shall not exceed thirty-two (32) square feet in area and shall not exceed eight (8) feet in height from bottom to top edge of display. Gross height of the sign, including decorative masonry or fencing shall not exceed twelve (12) feet from ground level.
    - b. The leading edge of a free-standing identification sign shall be located no closer than ten (10) feet from a public road right-of-way, property line, or structure. The leading edge of a free-standing identification sign shall not be located closer than three (3) feet from a planned or established pedestrian way.
    - c. An automobile fueling station may have one additional free-standing identification sign for each public street frontage having a driveway for the purpose of advertising gasoline prices and other services provided on the premises.

- B. Window signs shall be permitted and shall not be included in total sign area computation if said signs do not occupy more than twenty-five (25) percent of the total window area of the floor level on which displayed or exceed a total of twenty (20) square feet. Window signage shall not be permitted to exceed these thresholds unless such area of sign can be counted toward the maximum requirements for a wall sign.
- C. Manual and electronic changeable copy signs are permitted when incorporated into a permitted wall or free-standing identification sign provided that the area devoted to changeable copy does not exceed fifty (50) percent of the permissible sign area. See Section 1202.C as it pertains to the use of electronic display.
- D. One (1) menu board for a drive-in or drive-through establishments is permitted in addition to other signs permitted under these regulations, provided such sign does not exceed twenty-four (24) square feet in area or eight (8) feet in height from finished grade.
- E. On-premise directional signs that direct traffic for purposes of ingress and egress, type of vehicle parking, and to specific uses area, such as for drive-through, are permitted. Such signs shall not exceed six (6) square feet in size and four (4) feet in height. Such signs shall display no more than a directional arrow, appropriate text as to the item being directed to, and the logo of the establishment.
- F. Folding and portable sandwich board signs shall only be permitted in the C-1, Commercial district. Such signs shall meet the following standards:
  - 1. Located so as to not interfere with pedestrian and vehicular traffic and adjacent to an existing improvement, such as the principal structure, lamp post or street tree.
  - 2. Shall only be located and displayed in front of business that such signage is advertising.
  - 3. Shall only be placed outside during normal business hours.
  - 4. Shall not exceed fifteen (15) square feet in area.

**SECTION 1205      TEMPORARY SIGNS**

- B. Temporary signs shall be permitted in accordance with the following provisions:
  - 1. One (1) non-illuminated sign used for advertising land or buildings for rent, lease, or sale of residential property shall be permitted provided such signs are located on the property intended to be rented, leased, or sold.

- a. Such signs shall not exceed an area of six (6) square feet and a height of four (4) feet.
  - b. If the lot or parcel has more than one (1) frontage, one (1) additional sign is permitted on the property on each frontage.
  - c. Such sign(s) shall be removed within seven (7) days after sale, lease or rent of subject residential property.
2. One (1) non-illuminated sign used for advertising land or buildings for rent, lease, or sale of non-residential property shall be permitted provided such signs are located on the property intended to be rented, leased, or sold.
  - a. Such signs shall not exceed an area of twelve (12) square feet and a height of eight (8) feet.
  - b. If the lot or parcel has more than one (1) frontage, one (1) additional sign is permitted on the property on each frontage.
  - c. Such sign(s) shall be removed within seven (7) days after sale, lease or rent of space subject to advertisement.
3. Temporary real estate directional signs, not exceeding six (6) square feet in area and four (4) in number, showing a directional arrow and placed outside of the right-of-way, shall be permitted on approach routes to an open house. The height of such signs shall not exceed four (4) feet.
4. Signs identifying building contractors, excavators, professional design firms and lending institutions are permitted temporarily on sites under construction. Each sign shall not to exceed six (6) square feet overall, with not more than a total of four (4) such signs permitted on each site.
  - a. The sign shall be confined to the site of construction, construction shed or construction trailer and shall be removed within fourteen (14) days of completion of services, construction or a certificate of occupancy has been issued.
5. Banners, pennants, search lights, balloons, or other gas filled figures shall be permitted at the opening of a new business in a commercial or industrial district for a period not to exceed fourteen (14) consecutive days. Such signs shall not obstruct pedestrian or vehicular view and shall not interfere in any way with safe traffic flow.

## **ARTICLE 13**

### **NONCONFORMITIES**

#### **SECTION 1301      INTENT AND PURPOSE**

- A. It is the intent and purpose of this Article to provide for the continuance of lawful uses of land or structures in the Township of Fulton (“Township”) that existed before the enactment of the Fulton Township Zoning Ordinance (“Ordinance”) or before the effective date of an amendment to this Ordinance. It is not the intent of the Article to encourage the survival of such nonconforming use or structure in an expanded and intensified manner.
  
- B. Nonconformities shall not be enlarged, expanded, or extended, except as provided herein. The enlargement, expansion and extension shall not be used as grounds for implementation of similar and like uses on other properties in the immediate vicinity, nor as a basis for amending district boundaries. Nonconformities are declared by this Ordinance to be incompatible with conforming structures and uses permitted in the various districts.

#### **SECTION 1302      CLASSIFICATION OF NONCONFORMITIES**

- A. Use of structures or land existing at the effective date of this Ordinance that were established without approval of a zoning permit or without a valid building permit under previous or existing Ordinance, or those uses which cannot be proved conclusively as existing prior to the effective date of this Ordinance shall be declared illegal uses and are not entitled to the status and rights accorded legally established uses.
  
- B. An existing use of land, lot, parcel or structure that does not fully comply with the provisions of this Ordinance, as amended, and either was lawfully established, created, commenced during a period of time when no valid zoning ordinance was in effect, or approved during a period of time under a previously adopted Ordinance, and remains in compliance with the terms of a permit issued at that time shall be a considered a legal nonconformity.

#### **SECTION 1303      REGULATION OF NONCONFORMITIES**

- A. The following provisions are provided for addressing the continuation of a legal nonconforming use.
  - 1. Any legal nonconforming use of land or structure that remains discontinued for a period of one (1) year shall be conclusively presumed to be abandoned and shall lose all rights to continuance as a legal nonconformity. Any future

use of land or structure must be in conformance with this Ordinance and future amendment thereof.

2. No legal nonconforming use shall be permitted to expand in intensity, expand or enlarge the size of any building or structure, or extend the land area occupied by the nonconforming use. The “expansion of the intensity” of non-residential uses includes the following:
  - a. an increase in the number of employees;
  - b. a material change in the product or production conducted by the use;  
or
  - c. similar such changes that may increase traffic, congestion, and continuance of the use.
3. A legal nonconforming use shall not be changed in use to another nonconforming use. A legal nonconforming use that is succeeded by a conforming use in compliance with this Ordinance shall lose its vested right as a legal nonconformity and the land or structure shall thereafter continue in compliance with the provisions of this Ordinance.

B. The following provisions shall be considered in addressing legal nonconforming structures and lots.

1. Structural change in a nonconforming structure requiring a zoning or building permit is not permitted except as follows:
  - a. Building, mechanical, electrical, plumbing, sewage disposal, and well permits may however be issued for purposes of strengthening or restoring to safe condition of any building, structure, or part thereof declared to be unsafe by any public official charged with protecting the public health or safety.
  - b. If approved by the Board of Appeals, subject to the conditions and standards under Section 1304, below.
2. Any existing lot or parcel lawfully created prior to this Ordinance or under previous Ordinance that fails to meet the minimum lot area and minimum lot frontage requirements contained in this Ordinance shall be considered buildable as long as other dimensional requirements, such as front, side and rear yard setbacks can be met.
  - a. The lot must be proven to be a legal nonconformity by examination of either a legal instrument of transfer of property, or property tax rolls prior to issuance of zoning permit for development of property.

3. A legally nonconforming structure may be occupied by a legal conforming use as long as the nonconformity does not increase the potential of the legal conforming use to have negative impacts on the use and personal enjoyment of adjacent property. A special land use may not be implemented where specific dimensional requirements and conditions set forth in provisions for a particular special land use cannot be met by the legal nonconforming structure.
4. There exists in the Township legally nonconforming structures, legally nonconforming uses, and a combination of legal nonconforming uses and structures on the same property. The following shall apply to these nonconformities:
  - a. A legal nonconforming structure that is damaged by fire, collapse, explosion, natural processes or weather may be replaced or repaired to its former condition. The replacement structure or repaired structure must fit within the footprint of the previously existing structure and not exceed the previous bulk dimensions, height, density or lot coverage requirements.
  - b. A legally nonconforming residential use in a non-residential district that is damaged by fire, collapse, explosion, natural processes or weather may be replaced or repaired to its former condition. The replacement structure or repaired structure must fit within the footprint of the previously existing structure and not exceed the previous bulk dimensions, height, density or lot coverage requirements.
  - c. A legally nonconforming nonresidential use in a residential district that is damaged by fire, collapse, explosion, natural processes or weather may not be replaced or repaired to its former condition and nonconforming status.
- C. An illegal nonconformity shall be corrected to comply with the provisions of this Ordinance or be discontinued. Illegal nonconforming uses and structures shall be subject to enforcement action pursuant to this Ordinance.

**SECTION 1304      EXPANSION OF NON-CONFORMING USE AND/OR  
STRUCTURE**

- A. Nonconforming uses, buildings or structures may be structurally changed, altered, or enlarged with the approval of the Board of Appeals when the Board finds that the request is a case of exceptional hardship in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property or structure as used in its nonconforming status. Any approval for structural changes, alteration or enlargement may be granted only with a finding by the Board of Appeals that approval will not



have an adverse affect on surrounding property and that it will be the minimum necessary to relieve the hardship.

- B. Approval of an expansion of a nonconforming use or structure by the Board of Appeals does not relieve the petitioner of the responsibility of meeting other provisions of the Ordinance. The intended development must be reviewed and approved through the appropriate process and by the appropriate authority prior to issuance of a zoning permit and/or a building permit.

## ARTICLE 14

### ZONING BOARD OF APPEALS

#### SECTION 1401 JURISDICTION

- A. The Township of Fulton Zoning Board of Appeals (“ZBA”) shall hear and decide questions that arise in the administration of this Ordinance. These questions generally fall into the following categories:
1. Interpretation of zoning district boundaries and provisions of this Ordinance.
  2. Hear and decide appeals from and review an order, requirement, decision, or determination made by an administrative official or body charged with the enforcement of this Ordinance.
  3. Authorize specific variances from the provisions of this Ordinance.
  4. For purposes of consideration under this Ordinance, review a petitioned or described use that is not specifically listed as a permitted use or as a use permitted by special land use approval in one or more zoning districts.
  5. Hear and decide matters upon which it is required to pass under other provisions of this Ordinance.
- B. The ZBA shall have five (5) members of which a majority of the maximum number of members must be present to conduct business. A majority of the maximum number of members is also required to take action to approve, approve with conditions, deny or to postpone for future consideration.
- C. Before a requested interpretation, appeal or variance from an individual or entity (other than Planning Commission or Zoning Administrator) is processed, fees shall be paid as established by the Township Board. Fees shall be in the amount sufficient to cover reasonable costs incurred pursuant to the processing of any appeal, including but not limited to the costs of advertisements, investigations, professional review and any per diem amount established for members of the ZBA.

#### SECTION 1402 INTERPRETATION

- A. The ZBA shall have the authority to interpret the precise location of zoning district boundaries and any provision of this Ordinance upon request by the Planning Commission, Township Board or person having vested interest in property affected by such district boundary or provision of this Ordinance.

1. Interpretation of the precise location of zoning district boundaries shall be in accordance with the provisions and direction outlined in Section 403, herein.
  2. Interpret this Ordinance when it is alleged that certain provisions are not clear or could have more than one meaning.
    - a. In deciding upon such request the ZBA shall ensure that its interpretation is consistent with the intent and purpose of the Ordinance, the Article in which the provision in question is contained, and all other relevant provisions of this Ordinance.
    - b. The Board of Appeals shall also review the requested interpretation and decisions made by other public bodies and officials in the administration of this Ordinance where the subject provision would have had effect.
- B. A request for interpretation shall be noticed pursuant to Section 206, herein. Interpretations specifically related to a particular property require public notice of owners and occupants of adjacent property pursuant to Section 206.C.

## **SECTION 1403 APPEALS**

- A. The ZBA shall hear and decide appeals from and review an order, requirement, decision, or determination made by an administrative official or body charged with the enforcement of this Ordinance unless otherwise noted herein.
1. A notice of appeal shall be filed within thirty (30) days of occurrence of the action being appealed with the Zoning Administrator. Such petition shall state the reasons for the appeal and the order or ruling appealed from and, where applicable, the legal description of the property involved. The Zoning Administrator shall forward all records to the ZBA for their consideration of facts.
  2. Before such an appeal shall be processed, fees shall be paid as established by the Township Board. Fees shall be in the amount sufficient to cover reasonable costs incurred pursuant to the processing of any appeal, including but not limited to the costs of advertisements, investigations, professional review and any per diem amount established for members of the ZBA.
  3. An appeal stays all proceedings in furtherance of the action appealed from unless the officer or decision-making body from whom the appeal is taken certifies to the ZBA that by reason of fact, a stay would cause imminent peril to life and property.
  4. After an appeal has been scheduled for hearing, the Township Clerk shall cause notice of said hearing to be served personally or by first class mail

addressed to the applicant at the address on the application at least fifteen (15) days prior to the date of the hearing. Such notices shall state the time, place, and object of the hearing. The Zoning Administrator shall submit with the appeal all related information held in their record concerning the appeal.

5. The ZBA shall review and make final determination on properly filed appeals. The ZBA has the power to sustain, reverse or remand for further consideration the decision of any administrative official or body when it is found that the decision is inconsistent with the provisions of this Ordinance or that there was an error of fact involved in the decision. In making this determination, the ZBA shall examine any application, statement of fact, testimony and all accompanying data as well as the records of the administrative official or body.
  6. The ZBA shall not have jurisdiction to review the action of the Planning Commission and Township Board in the approval or denial of special land uses or planned unit developments.
- C. An appeal pursuant to this section shall be noticed pursuant to Section 206, herein. Please note that appeals specifically related to a particular property will require public notice of owners and occupants of property pursuant to Section 206.B.

#### **SECTION 1404 VARIANCES**

- A. The ZBA may authorize specific variances from requirements of the Ordinance, with the exception of a use variance, provided that the basic conditions listed herein are substantially and satisfactorily satisfied or determined not to be applicable.
1. Practical difficulties prevent carrying out the strict letter of this Ordinance. These practical difficulties shall not be deemed economic as related to the particular individual petitioning for such variance, but shall be evaluated in terms of the use of a particular parcel of land because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved.
  2. Strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner or those having interest from using the property for a permitted purpose, or would present a practical difficulty.
  3. The variance requested is the minimum amount necessary to relieve the practical difficulty in or with respect to the property.
  4. The circumstances causing the need for variance do not result from previous actions by the applicant.

5. The variance is not one where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.
  6. The request for variance is consistent with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, use and enjoyment of property in the neighborhood or district.
  7. The request for variance relates only to property owned by the applicant or where the applicant has legitimate and legal interest.
- B. A variance pursuant to this section shall be noticed pursuant to Section 206, herein.
- C. The approval of a variance shall not constitute a use variance that permits the establishment of any use which is not permitted by right within the zoning district where located, or any use for which special land use approval is required.
- D. In granting any variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards shall be deemed a violation of this Ordinance and shall automatically invalidate the permit.
- E. Each variance granted under the provisions of this Ordinance shall become null and void unless:
1. The construction authorized by such variance must be commenced within six (6) months of granting of the variance.
  2. Approval of variances requesting or requiring land division or combination must take place within six (6) months of granting of the variance.
- F. No application for a variance which has been denied, wholly or in part, by the ZBA shall be resubmitted for a period of one (1) year from the date of the last denial, except on proof of changed conditions or identification of a falsehood previously relied upon in the decision-making process.

**SECTION 1405      OTHER RESPONSIBILITIES OF THE BOARD OF APPEALS**

- A. The ZBA shall hear and decide matters upon which it is required to pass under other provisions of this Ordinance.

## **ARTICLE 15**

### **CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

#### **SECTION 1501      INTENT AND PURPOSE**

- A.     It is the intent and purpose of this Article to define the manner in which text herein is to be utilized and to define certain terms that are germane to the use of this Ordinance.

#### **SECTION 1502      LANGUAGE RULES**

- A.     The following rules shall apply to the text and language of this Ordinance:
1.     In case of any difference of meaning or implication between the text of this Ordinance and any caption, the text shall control.
  2.     The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
  3.     Words used in the present tense shall include the future and words used in the singular number shall include the plural and vice versa unless the context clearly indicates the contrary.
  4.     All buildings are considered structures, but all structures may not be buildings.
  5.     The word "building" or "structure" includes any part thereof.
  6.     The word "person" means an individual, corporation, partnership, association, or other legal entity.
  7.     The word "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."
  8.     Any word or term not defined herein shall be used with a meaning of common or standard utilization.

#### **SECTION 1503      DEFINITIONS**

The following definitions are germane to the use and interpretation of this Ordinance:

ACCESSORY BUILDING/STRUCTURE - A supplementary building or structure on the same lot, parcel or zoning lot as the principal building(s) or a portion of the principal building occupied by or devoted exclusively to any accessory use.

ACCESSORY USE - A use located on the same lot, parcel or zoning lot that is incidental, subordinate and customarily found in connection with the principal use of the land or buildings.

ADJACENT - A lot, parcel or structure which shares a common border or boundary with another lot, parcel or structure. Terms in common to “adjacent” include “abut” and “next to”.

ADULT FOSTER CARE - A residential structure that is licensed to provide room, board and supervised care, but not continuous nursing care, for unrelated adults over the age of seventeen (17), in accordance with Public Act 218 of 1979, as amended, and the applicable administrative rules as administered by the State of Michigan Family Independence Agency. (See also “State Licensed Residential Facilities) There exist four (4) types of Adult Foster Care:

- a. Family Home - Residence for six (6) or fewer adults. Licensee must live in the home, and local zoning approval is not required prior to issuance of a license.
- b. Adult Foster Care Small Group Home - Residence for twelve (12) or fewer adults. Licensee is not required to live in the home. Zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the home. Zoning approval is required prior to issuance of license.
- c. Adult Foster Care Large Group Home - Residence for thirteen (13) to twenty (20) adults. Licensee is not required to live in the home. Zoning approval is required prior to issuance of license.
- d. Congregate Facility - Residence for more than twenty (20) adults requiring assistance or some level of care less than a full-time nurse.

ADULT USES - The uses, either as accessory or principal, listed below are considered adult uses:

- a. Adult Entertainment Business - One or a combination of more than one of the following types of businesses: adult bookstore, adult motion picture theater, adult mini-motion theater, adult personal service business, adult novelty business, adult nightclub.
- b. Adult Book or Supply Store - An establishment having as a principle activity the sale of books, magazines, newspapers, video tapes, video discs and motion picture films which are characterized by their

emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy.

- c. Adult Motion Picture Theater - An enclosed building with a capacity of fifty (50) or more persons having as a principal activity displaying motion pictures characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy for observation by patrons therein.
- d. Adult Mini-Motion Picture Theater - An enclosed building having as a principal activity the presenting of material characterized by emphasis of portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy for observation by patrons therein in individual viewing booths.
- e. Adult Novelty Business - A business, which has a principal activity of the sale of devices of simulated human genitals or devices, designed for sexual stimulation.
- f. Adult Personal Service Business - A business which has as a principle activity a person, while nude or partially nude, providing personal services for a person on an individual basis in a closed room. It includes, but it is not limited to, the following activities and services; massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Michigan.
- g. Adult Night Club - A business with the principal activity of providing entertainment by nude or partially nude performers.

#### ADULT SPECIFIED SEXUAL ACTIVITIES AND ANATOMICAL AREAS

- a. Adult "Specified Sexual Activities" are defined as:
  - i. Human genitals in a state of sexual stimulation or arousal;
  - ii. Acts of human masturbation, sexual intercourse or sodomy;  
and
  - iii. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- b. "Specified Anatomical Areas" are defined as:



- i. Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast (below a point immediately above top of the areola); and
- ii. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

**AIRPORT** - The use of land, including water, runway, or other facility designed, used or intended to be used for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage, tie down areas, hangers and other necessary buildings, structures and open spaces.

**ALLEY** - Any dedicated public way affording a secondary means of access to abutting property or that permits access to a rear yard, parking lot or other area of a lot and not intended for general traffic circulation.

**ALTER/ALTERATION** - Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; or any change which may be referred to herein as altered or reconstructed. Terms in common include “reconstruction” or “remodel”.

**AMUSEMENT CENTER** - A principal commercial land use open to the public and consisting of coin or token operated amusement devices, also known as an arcade. Such devices shall include, but are not limited to, billiard tables, pool tables, video games, pinball machines, and/or any other machine which may be operated by the public generally for use as a game, entertainment, or amusement. This definition does not include such devices as accessory uses to bars, taverns, or restaurants or vending machines used to dispense foodstuffs, toys or other products for use and consumption, kiddie rides, or jukeboxes.

**APARTMENT** - A group of rooms that are designed to function as a single, complete dwelling unit that is either situated with three or more of these units in a single structure or as an accessory use to a principal use. See other definitions for “Accessory Use” and “Multiple-Family”.

**APPRAISED VALUE** - The value of property as estimated by an individual qualified to appraise type or classification of subject property.

**ARCHITECTURAL FEATURES** - Architectural features of a building shall include but not be limited to cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

**AS-BUILT DRAWINGS** - Final drawings or plans that are the result of modifications during the construction phase of an approved development.

**ASSEMBLY BUILDING/STRUCTURE** - A large public or semi-public building, room, or structure in which a group of people can gather together for worship, meetings, instruction, banquets, exhibits or entertainment.

**AUTOMOBILE** - Unless specifically indicated otherwise, “automobile” is defined as any vehicle including cars, trucks, vans, motorcycles and the like. Said definitions do not include recreational or commercial vehicles.

**BAR** - An establishment containing tables and chairs, and/or a counter at which alcoholic beverages and sometimes food are served to be consumed on the premises. Terms in common include “tavern” and “pub”.

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

**BED & BREAKFAST** - A traditional single-family dwelling that is owner occupied in which a maximum of six (6) sleeping rooms are rented, with or without meals, for compensation for the traveling or vacationing public. Stays are transient and temporary in nature.

**BEDROOM** - A bedroom is a room in a dwelling unit used for or intended to be used in whole or in part for sleeping purposes by a person or persons.

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

**BLOCK** - The property abutting one side of a street and lying between the two (2) nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

**BOARD OF APPEALS** - As used in this Ordinance, the term Board of Appeals means the Fulton Township Zoning Board of Appeals as authorized by the Michigan Zoning Enabling Act No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3101 et. Seq.), as amended.

**BOND** - A form of insurance required of an individual or firm to secure the performance of an obligation (as in performance or surety bond).

**BUILDABLE AREA** - The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

**BUILDING** - Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, or personal property, or carrying on business activities.

**BUILDING CODE** - The State of Michigan Construction Code regulating building/structure construction in the Township.

**BUILDING FRONTAGE** - The portion of a building that principally faces a public or private right-of-way.

**BUILDING INSPECTOR** - An individual or entity appointed, hired or contracted by the Township Board to administer the State of Michigan Construction Code within the Township. The term shall be used interchangeably with Building Official for purposes of this Ordinance.

**BUILDING LINE** - The line that coincides with the edge of the building nearest the front, side or rear line of the lot, which includes covered and enclosed porches.

**BUILDING PERMITS** - A building permit is the written authority issued by the Building Inspector permitting the construction, removal, moving, alteration, of a building, fence, sign or other as required by the Building Code.

**BUILDING, PRINCIPAL** – See “Principal Building/Structure” herein.

**CAMPGROUND** - A plot of ground upon which two (2) or more sites, areas or locations are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

**CARPORT** - A partially open structure, intended to shelter one or more vehicles. Such structures shall comply with all yard requirements applicable to other accessory structures.

**CEMETERY** - Property, including crematories and mausoleums, used, or intended to be used solely for the perpetual internment of deceased human beings or customary household pets.

**CERTIFICATE OF OCCUPANCY** - A document signed by the Building Inspector as a condition precedent to the occupancy of a use or the construction/reconstruction of a structure or building which acknowledges that such use, structure or building complies with the provisions of the State Construction Code.

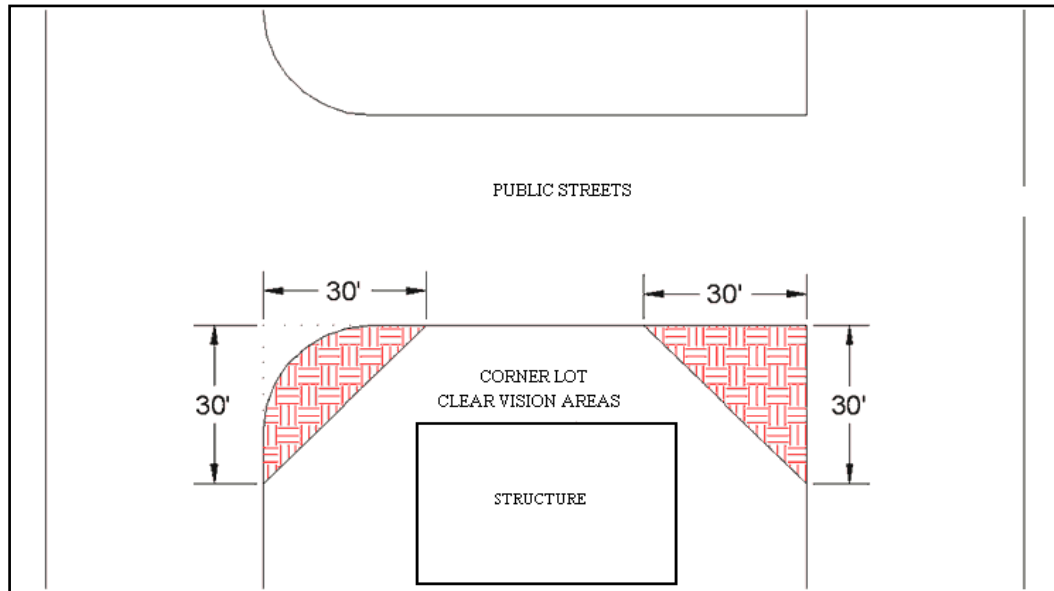
**CHANGE OF USE** - A use of a building, structure or parcel of land, or portion thereof which is different from the previous use as it is classified in this Ordinance or in the State Building Code, as amended.

**CHARACTER** - Where used in this Ordinance to describe consistency between existing and proposed development, character shall mean consistency in materials of construction and architecture.

**CHURCHES AND RELIGIOUS INSTITUTIONS** - Buildings or structures wherein persons regularly assemble for religious worship and education and which is maintained and controlled by a religious body organized to sustain public worship and education.

**CLEAR VISION AREA** - The clear vision area (otherwise known as "sight triangle") is a triangular-shaped area on corner lots. On any corner lot in any district having front and side yards, the area between the heights of three (3) feet and ten (10) feet in an area measuring

thirty (30) feet from the point of intersection of the street right-of-way lines and the tangent connecting the thirty (30) foot extremities of the intersecting right-of-way lines is a clear vision area. See Illustration below:



**CLUB/LODGE** - An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit and open only to members and not the general public.

**COMPLIANCE REVIEW** - Compliance review and approval shall be issued by the Zoning Administrator following an inspection that confirms that all requirements of a previously issued and therefore governing zoning permit and this Ordinance have been met.

**COMMERCIAL USE** - Commercial use means the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or services.

**COMMERCIAL VEHICLE** - Any motor vehicle which has a commercial license and/or which has a gross vehicle weight rating (GVWR) of over 10,000 pounds.

**COMMISSION** - The words "Commission" or "Planning Commission" shall mean the Fulton Township Planning Commission.

**COMMON AREA** - A parcel or parcels of land with the improvements or open space thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and/or occupants of individual dwelling units in a subdivision, condominium or planned unit development.

**COMMON WALL** - A wall shared in common between abutting dwelling units, between abutting nonresidential principal structures, or between a principal structure and a garage or similar attached structure.

COMMUNICATION TOWER - All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building, and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities, short wave facilities, ham, amateur radio facilities, satellite dishes, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

CONDOMINIUM (INCLUDING SITE CONDOMINIUM) - A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed. The following additional definitions are provided:

- a. Condominium Act - State of Michigan Public Act 59 of 1978, as amended.
- b. Condominium Documents - The master deed and bylaws, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws that affect the rights and obligations of a co-owner in the condominium.
- c. Condominium Lot - The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended.
- d. Condominium Unit - The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- e. General Common Elements - The common elements other than the limited common elements intended for the common use of all of the co-owners.
- f. Limited Common Elements - A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- g. Master Deed - The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the

condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.

**CONDOMINIUM PROJECT** - Means a plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the State of Michigan Public Act 59 of 1978, as amended.

**CONDOMINIUM SUBDIVISION** - A division of land on the basis of condominium ownership, which is not subject to the provisions of the Land Division Act (Public Act 288 of 1967, as amended). A condominium unit shall be equivalent to the term “platted lot” for the purposes of determining compliance of a condominium subdivision with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage.

**CONDOMINIUM SUBDIVISION PLAN** - The drawings attached to the master deed for a condominium subdivision which describes the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

**CONDOMINIUM UNIT** - that portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential office, industrial, business, or other type of use. A condominium unit may consist of either vacant land or space that either encloses or is enclosed by a building structure.

**CONVALESCENT (ADULT CONGREGATE) HOME** - A convalescent home is a state licensed facility for the care of chronically ill or disabled children or the aged, or a place of rest for those suffering serious bodily disorders. Terms in common include “nursing home”.

**DAY CARE** - The following definitions shall apply in the construction and application of this Ordinance:

- a. **Family Day Care Home:** A private home in which one (1) but fewer than seven (7) minor children or adults are received for care and supervision for periods 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. A family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks in a calendar year. A family day care home must be licensed or registered under Act No. 116 of the Public Acts of 1973. MCL 722.111.
- b. **Group Day Care Home:** A private home in which more than six (6) but not more than twelve (12) minor children or adults 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. Group

day care home includes a home that gives care to an unrelated child or adult for more than four (4) weeks in a calendar year.

- c. Day Care Center: A facility, other than a private residence, receiving more than one (1) or more children or adults for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.

DEED RESTRICTION - A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. Unless the Township has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the Township. Terms in common include “restrictive covenant.”

DENSITY - The number of dwelling units situated on or to be developed per net or gross acre of land.

DISCRETIONARY - An action which requires the exercise of judgment or deliberation during the decision-making process, as distinguished from situations where the public agency or body is limited to a determination of conformity with applicable statutes, ordinances or regulations.

DISTRICT - A portion of the Township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

DRIVE-IN/THRU - Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle and is so developed that all or a portion of the retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service patrons while in a motor vehicle.

DRIVEWAY - A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot.

DWELLING/DWELLING UNIT - A building or portion thereof which is used exclusively as a residence and provides complete, independent living facilities for one or more persons or a family, including permanent provisions for living, sleeping, eating, cooking and sanitation. A travel trailer, motor home, automobile, tent or other portable building shall not be considered a dwelling.

DWELLING, EFFICIENCY - An efficiency unit is a dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room. Terms in common include “studio” apartment.

DWELLING, MULTIPLE FAMILY - A building containing three or more individual dwelling units.

DWELLING, SINGLE FAMILY - A detached building designed for and occupied exclusively by one (1) family in one (1) dwelling unit.

DWELLING, TWO FAMILY - A detached building designed for and occupied exclusively by two (2) families living independently of each other in two (2) dwelling units. Terms in common include “duplex”.

EASEMENT - A grant of one or more of the property rights by a property owner to and/or for use by the public, or another person or entity.

ERECTED - The word erected includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavation, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.

ESSENTIAL PUBLIC SERVICES - The erection, operation, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead, gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, police call boxes, towers, poles, recycling bins and other similar equipment or accessories reasonably in connection therewith (not including buildings) for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

EXCAVATION - The removal or recovery by any means whatsoever of soil, rock, sand, gravel, peat, muck, barrow, shale, limestone, clay or other mineral or organic substances, other than vegetation, from water or land, whether exposed or submerged. Common household gardening is not included in such definition.

FAMILY - An individual or a group of two (2) or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than two (2) additional unrelated people, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit. Also, a collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character, who are cooking and living as a single non-profit housekeeping unit, and whose relationship is the functional equivalent of a domestic family with a demonstrable and recognizable bond, which constitutes the functional equivalent of the bonds, which render the domestic family a cohesive unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

FENCE - An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land, or a barrier closing or bordering a field, yard, etc.



usually made of posts and wire or wood, used to prevent entrance, to confine, or to mark a boundary.

**FILLING** - The depositing, dumping or placing of any matter or material into or onto the ground.

**FLOOD PLAIN** - The relatively flat area or low lands adjoining a body of water, channel or watercourse, which may be covered by floodwater when high amounts of precipitation are experienced. Flood plains are often wetland areas that are part of the river flow system and contiguous areas paralleling major rivers or streams that exhibit unstable soil conditions for development.

**FLOOD PLAIN, 100-YEAR FLOOD** - The base flood elevation used to define areas prone to flooding, describing, at minimum, the depth or peak elevation of flooding which has a one (1) percent or greater chance of occurring in any given year (100 year flood).

**FLOODWAY** - The channel of any watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge flood water.

**FLOOR AREA** - The floor area of a building or structure shall be the sum of the gross horizontal floor areas of the several stories of a building or structure as measured to the exterior face of the exterior walls, plus that area similarly measured of all other floor except basements, that are accessible by a fixed stairway, such as storage areas, recreational rooms, boiler and other areas within or contiguous to the structure.

**FLOOR AREA, USABLE** - For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from the computation of usable floor area.

**FLOOR, GROUND** - That portion of a building that is partly below grade, but so located that the vertical distance from the average grade to the ceiling is greater than the vertical distance from the average grade to the floor. A ground floor shall be counted as a story.

**GARAGE** - An accessory structure for the principal permitted use, used for the storage of motor vehicles for the use of the occupants of the aforementioned principal permitted use.

**GOLF COURSE** - The premises upon which the game of golf is played, including clubhouse, driving range, parking lots, pro-shop, and other structures and uses incidental to a golf course.

**GOLF COURSE, MINATURE** - One or more nine (9) to eighteen (18) hole miniature-scaled golf courses. Equipment is limited to a putter and golf ball and such courses often contain a variety of obstacles for the participant to navigate.

**GOLF, DRIVING RANGE** - A practice facility that is included as an accessory use to most golf courses. Driving ranges also commonly operate as a principal use consisting of a large, open field with teeing ground at one end. The landing area may include target greens and yardage markers. Driving ranges may also include practice putting greens and may have areas for chipping, pitching and bunker practice.

**GROUND FLOOR COVERAGE (GFC)** - The total ground floor area of the principal and all accessory buildings divided by the total lot or parcel area and expressed as a percentage. The term is commonly referred to as GFC.

**GRADE, AVERAGE** - The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation of a building or structure.

**GRADE, FINISHED** - The lowest point of elevation between the exterior wall of the structure and a parallel line five (5) feet from the foundation of a structure.

**GREENHOUSES AND NURSERIES** - A facility, typically a glass enclosure, used for the cultivation of plants, wherein the growing, wholesaling and/or retailing of plant materials is the principal use.

**GROSS SITE AREA** - The total area of a site including flood plains, wetlands, and water bodies.

**HAZARDOUS SUBSTANCE** - Hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labors; flammable and combustible liquids as defined by the Michigan Department of State Police, Fire Marshal Division; hazardous materials as defined by the U.S. Department of Transportation; critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources, and hazardous substances as defined in Michigan Public Act 307 of 1982, as amended, and the Federal Comprehensive Environmental Response Compensation and Utility Act of 1980, Public Act 96-510, 94 STAT 2767, as amended.

**HEIGHT (BUILDING OR STRUCTURE)** - The structure height is the vertical distance measured from the established grade reference level to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs. Where the building may be situated on sloping terrain, this height may be measured from the average ground level of the grade at the building wall.

**HOME BASED BUSINESS** - A professional occupation, activity, or use of residential property that is clearly customary, incidental, and a secondary use of the property. A home based business is a more intensive use of residential property than a home occupation (as defined separately herein). As a home based business, the occupation, activity or use is permitted use of other structures on the property in addition to the dwelling unit and employees are not required to reside in the dwelling unit on the property. Typical home based businesses include off-site service type professions, such as surveyors, trades

contractors, and other businesses requiring storage and employees that do not necessarily occupy the property during an entire shift. A home based business does not include on-site manufacturing.

HOME OCCUPATION - A professional occupation, activity, or use of residential property that is clearly customary, incidental, and a secondary use of the property. A home occupation is considered a less intensive use of residential property than a home based business (as defined separately herein) in that the occupation, activity or use is confined to the dwelling unit and employees must reside as part of the family unit occupying the dwelling where the occupation is situated. Typical home occupations include real estate agents, attorneys, mail-order clerks, telemarketing, etc.

INDUSTRIAL USE - The use of a lot, parcel, building or structure for manufacturing, processing, fabricating or assembly of materials or goods. Warehousing or bulk storage of products and materials are typical accessory uses.

INOPERABLE OR ABANDONED MOTOR VEHICLE – Any motor vehicle not in operating condition and eligible for use in accordance with the requirements of the Michigan Vehicle Code, being Public Act 300 of 1949, as amended, including but not limited to any wheeled vehicle which is self-propelled and intended to be self-propelled, and which by reason of dismantling, disrepair or other cause (lack of title, tag, registration, etc.) is incapable of being propelled under its own power or used for its intended purpose.

JUNK - Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or scrap metals or other trash, rubbish, refuse, or scrap materials that are damaged or deteriorated that are not stored within a completely enclosed building or having proper zoning permits and approvals for such purposes. Junk includes any inoperable or abandoned motor vehicle, or unusable parts thereof, which is not licensed for use upon the highways of the State of Michigan for a period in excess of thirty (30) days and shall also include, whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of thirty (30) days and which is not in a completely enclosed building. Junk does not include domestic refuse if stored so as to not create a nuisance and is stored for a period not to exceed seven (7) days.

JUNK AND SCRAP YARD - A parcel, building or structure where waste, used or salvaged materials, discarded material, including, but not limited to, scrap iron, other metals, paper, rags, rubber tires, wood, and bottles, are stored, baled, packed, disassembled, or handled for the purpose of purchase, sale, or exchange

KENNEL - Any parcel, lot, building or structure used for breeding, commercial sale, boarding, or treatment of non-farm animals.

LANDSCAPING - The following definitions are applicable to the term landscaping:

- a. Berm - An earthen mound of variable height and width, used as a visual relief or transitional area between different land uses or uses of differing intensity.

- b. Buffer - A defined landscaped area composed of plant material, wall, and/or berm maintained to provide visual screening, noise reduction, and transition between incompatible land uses or uses of differing intensity.
- c. Conflicting or Incompatible Land Use - Where a residential use abuts a non-residential use or a residential land use developed at a higher density, or vice versa.
- d. Greenbelt - A landscaped area that is intended to provide a transition between a public road right-of-way and an existing or proposed land use.
- e. Opacity - A degree of imperviousness or ability to obscure visibility in to or out of.
- f. Plan, Landscaping - A required plan detailing compliance with the landscaping, buffering and screening requirements of this Ordinance.

LIGHTING - The following words, terms and phrases, when used in the application of this Ordinance, shall have the meanings ascribed to them below:

- a. Foot Candle - A standard unit, established as a reference, and used when measuring the quantity of light. A foot-candle equals the total intensity of light that falls upon a one square foot surface that is placed one (1) foot away from one (1) lit candle.
- b. Glare - Intense light that is directed from a fixture into the eye of observers or passers-by impairing the ability to see clearly compromising public safety and welfare or interfering with the use and personal enjoyment of other properties and property owners.
- c. Lamp - The luminaire component that produces the visible light.
- d. Light Fixture - The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.
- e. Light Pollution - Electric light which may impact the safety and welfare of travelers by impairing their ability to see potential hazards effectively, reduces the enjoyment of the night sky, causes undesirable glare, unnecessary illumination of adjacent properties or causes a detrimental effect on the environment.
- f. Luminaire - The complete lighting system including the lamp and light fixture.

- g. Shielded Fixture - An outdoor light fixture shielded or constructed in a manner such that its light does not project beyond a certain limit.

LIVESTOCK - Those species of animals used for human food and fiber or those species of animals used to service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, captive cervidae, ratities, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs or cats.

LOADING SPACE - A designated off-street area for temporary parking of a commercial vehicle while loading and/or unloading products, merchandise or materials.

LOT - A plat, plot or parcel of land occupied, or designed to be occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such buildings. A lot may or may not be the land shown on a duly recorded plat and includes a condominium unit in condominium subdivision where land is associated with the structure. For the purposes of enforcing this Ordinance, a lot is land under one ownership that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks and open space as required herein. Terms in common include "parcel", "unit" and "zoning lot".

LOT AREA, GROSS - The area contained within the lot lines or property boundary including street right-of-way if unplatted.

LOT AREA, NET - The area within the described lot lines excluding road right-of-way and portions of the area that are part of a lake, river or stream.

LOT, CORNER - A lot whose lot lines form an interior angle of less than 135 (one hundred thirty five) degrees at the intersection of two street lines.

LOT COVERAGE - The amount of a lot, stated in terms of percentage, that is covered by all buildings, and/or structures located thereon. See "Ground Floor Coverage" herein.

LOT DEPTH - The average horizontal distance from the front line to the rear lot line or from the front right-of-way line to the rear lot line measured at the median between the side lot lines.

LOT FRONTAGE - The total continuous length of the front lot line where sharing a boundary with a public road or an approved private road.

LOT INTERIOR - An interior lot is a lot other than a corner lot with only one lot line fronting on a street.

LOT LINES - A line dividing or separating one (1) lot from another, or from a public right-of-way, therefore constituting the property lines bounding a lot.

LOT LINE, FRONT- For an interior lot, the front lot line shall mean the line separating the lot from a public or approved private road right-of-way. For a corner lot that has frontage on more than one (1) street, the corner lot shall be considered as having a front lot line for each front on a public or approved private road right-of-way. Lots that are located so as to have water frontage shall use the water frontage as the front lot for purposes of determining setbacks and yards.

LOT LINE, REAR - The lot line that is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular shaped lot, a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. See “lot line, front” as it concerns lots with water frontage.

LOT LINE, SIDE - Any lot line that is not a front lot line or a rear lot line. A side lot line separating a lot from a street on a corner lot is considered a front lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT OF RECORD - A tract of land which is part of a subdivision shown on a plat or map which has been recorded in the County Register of Deeds or a tract of land described by metes and bounds that is the subject of a deed or land contract which is likewise recorded in the Register of Deeds.

LOT WIDTH - The horizontal distance between the side lot lines, measured at the two (2) points at the right-of-way line (upon which the lot has frontage) at the intersect of the side lot lines, unless otherwise specified in this Ordinance. For lots fronting on the curve of a cul-de-sac street the minimum straight line distance between the side lot line may measured at the minimum required front yard setback.

MANUFACTURED HOME - A dwelling unit that is designed for long term residential use and is wholly or substantially constructed at an off-site location and transportable in one (1) or more sections. Manufactured housing includes mobile homes and modular housing units bearing the seal that the structure is in compliance with the National Manufactured Housing Construction Standards Code and the State of Michigan Construction Code.. Manufactured (or mobile) home does not include a recreational vehicle.

MANUFACTURED HOUSING PARK - A a parcel or tract of land under the control of a person upon which more than one (1) manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

MASTER PLAN - A document known as the Fulton Township Master Plan containing the future development policy and future land use map for the Township, together with supporting documentation, as most recently adopted or amended by the Planning Commission.

MINI-STORAGE FACILITIES - A building or group of buildings in a controlled access or fenced area that contains varying sizes of individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are not used on a daily basis.

MORTUARY - See "cemetery".

MOTOR HOME - See "recreational vehicle".

NONCONFORMING BUILDING/STRUCTURE - A building/structure or portion thereof existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

NONCONFORMING LOT - A lot, created prior to the effective date of this Ordinance, or amendments thereto, and which does not conform to the lot area regulations for the district in which it is located.

NONCONFORMING USE - A structure, building, lot, or other parcel of land occupied by a use at the effective date of this Ordinance, or amendments thereto, and which does not conform to the uses permitted within or the use regulations of the district in which it is located.

NUISANCE - An offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, objectionable effluent, noise of a congregation of people, passing traffic, or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

NURSING HOME - See "Convalescent Home".

OCCUPIED - The word "occupied" includes arranged, designed, built, altered, converted to, rented or leased, or intended to be inhabited and utilized for defined purposes.

OPEN AIR BUSINESS - When developed in conjunction with a permitted use, any area that is exclusively used for the sale of or taking of orders for products, merchandise or services where such is displayed, sold or ordered in the open air without structure. Terms in common include "outdoor sales".

OPEN SPACE, COMMON - Common area that is held as perpetual open space for the collective use and enjoyment of the owners, tenants, or occupants of a single development.

OPEN SPACE, DEDICATED - Common area that is open space dedicated as a permanent recorded easement for the general public.

**OPEN SPACE REQUIRED** - The yard space of a lot that is established between the street or lot line and the required setback line. Such area shall be open, unoccupied and unobstructed by any building, structure or portion thereof, except as otherwise provided in this Ordinance.

**OPEN STORAGE** - All outdoor storage of building materials, sand, gravel, stone, lumber, equipment, construction vehicles and other supplies.

**ON-SITE WIND ENERGY SYSTEM** - A structure and associated facilities constructed for the purpose of harnessing the wind to generate electricity for use in a principal or accessory structure on the same property or zoning lot as the Wind Energy System. For the purposes of this Ordinance, the structure and associated facilities are intended to be consumer-based and principally used on-site.

**ORDINARY HIGH WATER MARK** - The line between upland and bottom land which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself the configuration of the surface of the soil, and the vegetation.

**OUTDOOR SOLID FUEL FURNACE** - A device for the burning of renewable fuels (wood, corn, etc.) outdoors for the purpose of providing heat and hot water to a habitable structure that is normally provided by a traditional furnace and boiler within the structure.

**OWNER** - The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

**PARCEL** - An area described by metes and bounds. See "lot" and "lot of record" as defined herein.

**PARKING, OFF-STREET** - An identified area for two (2) or more parking spaces serving a principal use, including accessible travel lanes, aisle ways for accessing parking spaces.

**PARKING SPACE** - A defined area for the parking of one (1) vehicle exclusive of drives, travel lanes, aisles, or entrances.

**PERFORMANCE STANDARDS** - Standards that are established to ensure that a particular improvement, land use or development will not exceed certain thresholds that if exceeded are anticipated to have a negative impact on the community at-large or on adjacent property.

**PERMITTED USE** - Any use allowed by-right in a zoning district that is subject to the restrictions applicable to that zoning district and reviewed for approval by zoning permit or site plan review.

**PERSON** - The word "person" means an individual, corporation, partnership, association, or other legal entity.



PERSONAL SERVICE ESTABLISHMENT - A business where personal services are provided for profit and where the sale of goods is only accessory to providing such services.

PLANNED UNIT DEVELOPMENT - A type of development and development process characterized by the flexible application of zoning regulations to encourage unified site design, diversity in development techniques, use of open space, and mix of building types and land uses.

PLAT - A map of a subdivision of land pursuant to the Land Division Act, Public Act 288 of 1967.

PREMISE - All portions of contiguous land in the same ownership that are not divided by any public highway, street, or alley, and upon which is located a residence or place of business.

PRINCIPAL BUILDING/STRUCTURE - The primary building or structure containing, housing, being occupied by the principal use of the premises or property.

PRINCIPLE USE - The main use to which the premises are devoted and the main purpose for which the premises exist.

PRIVATE ROAD - A private road or street shall be defined as a street or drive which provides access to two or more adjacent properties which is constructed and maintained by the owner or owners, and which is not dedicated for the general public use.

PUBLIC UTILITY - Any person, firm, corporation, municipal department, board or commission duly authorized to furnish, under federal, state or municipal regulations, to the public such items as electricity, gas, steam, communications, telegraph, transportation, or water.

RECREATION VEHICLE - A vehicle primarily designed and used as a temporary living quarters for recreational, camping, or travel purposes including a vehicle having its own motor power, or mounted on or drawn by a motor vehicle.

RECREATION VEHICLE PARK - See "campground".

RECYCLING FACILITY, LARGE COLLECTION - A facility for the collection and processing of recyclable materials. The facility is capable of accepting all material as accepted by a "small collection" facility as well as appliances, furniture, yard waste and other similar material. Acceptance of vehicles, construction equipment, agricultural equipment for scrap is not permitted. Processing shall be limited to the preparation of material for efficient shipment by baling, compacting, crushing, sorting, shredding, and cleaning.

RECYCLING FACILITY, SMALL COLLECTION - A self-serve facility for the collection of common household recyclable material, such as glass, metals, plastic containers, papers or other similar items in self-contained removable bins. No processing is permitted on site.

RESTAURANT - An establishment that is engaged in serving food and beverages consumed on its premises by customers seated at tables and/or counters and may be engaged in providing customers with take-out service or drive-through service.

RIGHT-OF-WAY - An area of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other similar use.

ROAD – See “street” as defined herein.

SCHOOL - An educational institution under the sponsorship of a private or public agency providing elementary or secondary curriculum, and accredited or licensed by the State of Michigan.

SETBACK - The horizontal distance between a principal or accessory building or structure and the front, side and rear lot line. See definition for “Yard, Minimum Required”.

SETBACK, MINIMUM REQUIRED - The minimum required horizontal distance between the building or structure and the front, side and rear lot lines. The minimum required front, side and rear setbacks on a lot establish the required yard and therefore buildable area of a lot. See definition for “Yard, Minimum Required”.

SHOPPING CENTER, PLANNED - A group of commercial uses, typically separated by common walls, that have been designed, developed and are managed as a unit by a single owner or tenant, or a group of owners or tenants and share such accommodations as parking, travel lanes and access to primary roads.

SIGN - Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combination thereof, by which anything is made known or that directs attention, or is specifically designed for purposes of advertising or identifying any establishment, product, good, or service, to an object, product, place, activity, person, institution, organization or business and which is visible from any public street, sidewalk, alley, park, public property or from other private property. The following definitions also apply to the definition of signage:

- a. Animated Sign - Any sign that uses movement or change of lighting to depict or create a special effect or scene. See “Flashing sign” and “Changeable Copy Sign”.
- b. Awning Sign - A sign that is printed or otherwise affixed to an awning that may be rolled or folded up against the wall to which it is attached.
- c. Banner Sign - A sign made of fabric or any non-rigid material with no enclosing framework.

- d. Changeable Copy Sign (Automatic) - A sign on which the copy changes automatically on a lamp bank or through mechanical means.
- e. Changeable Copy Sign (Manual) - A sign on which copy is changed manually in the field, e.g., reader boards with changeable letters.
- f. Construction Sign - A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.
- g. Directional/Information Sign - An on-premise sign giving directions, indicating traffic flow instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs.
- h. Flag - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
- i. Free-Standing Sign - A sign supported upon the ground by poles or braces and not attached to any building.
- j. Identification Sign - A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.
- k. Illegal Sign - A sign which does not meet requirements of this code and which has not received legal nonconforming status.
- l. Illuminated Sign - A sign illuminated in any manner by an artificial light source.
- m. Incidental Sign - A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.
- n. Marquee Sign - Any sign attached to or supported by a marquee (a permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building).
- o. Menu Board - A sign that is intended to service patrons using a drive-through facility.

- p. Nameplate - A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.
- q. Political Sign - For the purposes of this Ordinance, a temporary sign used in connection with a local, state, or national election or referendum.
- r. Portable Sign - A temporary sign that is not permanently affixed to a building face or to a pole, pylon, or other support that is permanently anchored in the ground.
- s. Projecting Sign - Any sign affixed to a building or wall in such a manner that its leading edge extends beyond the surface of such building or wall.
- t. Real Estate Sign - A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.
- u. Sandwich Board Sign - A temporary, portable sign consisting of two (2) advertising boards laid back-to-back and at least partially supported by each other.
- v. Subdivision Identification Sign - A free-standing sign identifying subdivision, condominium complex, or residential development.
- w. Wall Sign - A sign attached parallel to and extending not more than 8 inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs.
- x. Window Sign - A sign installed inside a window and intended to be viewed from the outside.

SITE PLAN - A drawing or illustration showing all salient features of a proposed development so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.

SITE PLAN REVIEW - The submission of a site plan for review by the appropriate Board or Commission to establish conformance with this Ordinance prior to commencement and implementation of use.

SPECIAL LAND USE - A use that would be inconsistent with or detrimental to other uses permitted in the same zoning district unless carefully considered as to number, area, size, exterior design, location or relation to the adjacent properties and to the neighborhood and may be permitted if proper conditions are applied and safeguards are taken.

STATE LICENSED RESIDENTIAL FACILITY - A structure constructed for residential purposes that is licensed by the State pursuant to Act No. 287 of Public Acts of 1972, as amended, being Section 331.681 to 331.694 of the Michigan Compiled Laws or Act No. 116 of the Public Acts of 1973, as amended, being Section 722.111 to 722.128 of the Michigan Compiled Laws.

STORY - That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STORY, BASEMENT - For the purposes of this Ordinance, a basement shall be counted as a story if over fifty (50) percent of its height is above the level from which the height of the building is measured.

STORY, HALF - The part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story, provided the area contains at least two hundred (200) square feet with a clean height of at least seven (7) feet six (6) inches.

STREET - A public or private traffic way having a right-of-way and which affords the principal means of vehicular access to the abutting property.

STRUCTURE - Anything constructed or erected, the use of which requires a temporary or permanent location on the ground or is attached to something having a permanent location on or below the ground.

SWIMMING POOL, COMMUNITY - A constructed or fabricated water containment improvement, including structures necessary and incidental thereto, owned and operated by an association of members for the benefit of such association with the use such pools is restricted to members and their guests.

SWIMMING POOL, SEASONAL - A fabricated water containment system that consists of an inflatable device, PVC mounted liner, or similarly mass-produced system that is owned and operated by a landowner of the parcel on which situated and for use only by the residents of the parcel on which situated and their guests. Such swimming pools are considered seasonal and provisions are provided herein concerning the location of such swimming pools and requirements for seasonal removal.

SWIMMING POOL, PRIVATE - A constructed or fabricated water containment improvement, including structures necessary and incidental thereto, owned and operated by a landowner of the parcel on which situated and for use only by the residents of the parcel on which situated and their guests.

TEMPORARY BUILDING/USE - A building or use permitted by the Zoning Official to exist during periods of construction of the main building, or site improvements.

**THEATER** - A place, either indoor or outdoor, where plays, operas or motion pictures are presented.

**USE** - The lawful purpose, for which land or premises or a building thereon is designed, arranged, intended, or for which it is occupied, maintained, let or leased.

**VARIANCE** - A variance is the modification of the regulations and/or literal provisions of this Ordinance by the Board of Appeals where strict enforcement of those regulations and/or provisions would cause undue hardship and/or practical difficulty as a result of special circumstances affecting a particular property that do not generally affect other properties or the community in general.

**VETERINARIAN, LARGE ANIMAL** - An establishment where agricultural animal patients (equine and traditional food animal species, such as cows, pigs, sheep, etc.) are examined and treated by a veterinarian. A large animal veterinary clinic may include pastures, barns, and arenas to accommodate overnight stays, observations and temporary treatments.

**VETERINARIAN, SMALL ANIMAL** - An establishment where domesticated, non-agricultural, animal patients are examined and treated by a veterinarian. A veterinary clinic may include pens or cages enclosed within the walls of the principal clinic building to accommodate overnight stays and temporary treatment.

**VEHICLE FUELING STATION** - A place where gasoline, motor oil, lubricants, and minor accessories related to the daily operation of an automobile are retailed directly to the public on the premises in combination with the retailing of convenience items typically found in a convenience market, carryout restaurant or supermarket.

**VEHICLE REPAIR AND SERVICE FACILITY** - An establishment for the repair or replacement of parts in a motor vehicle.

**VEHICLE SALES AREA** - An open area used for the display, sale or rental of new or used motor vehicles or trailers in operable condition where no repair work is done.

**VEHICLE WASH FACILITY** - A building or portion thereof containing facilities for washing automobiles, trucks, motorcycles, and other light load vehicles, using a chain conveyor, blower, steam cleaning device, or hand-held device.

**WATERCOURSE** - Any waterway or other body of water having well defined banks, including rivers, streams, creeks and brooks, whether continually or intermittently flowing, and lakes and ponds.

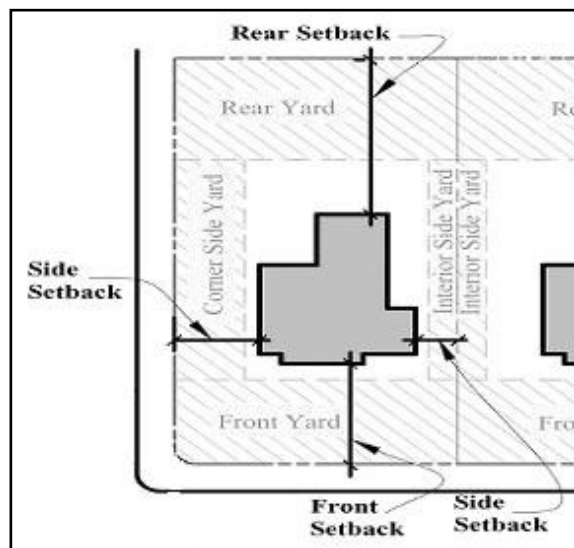
**WETLANDS** - Land that is generally or intermittently covered with water and poorly drained and due to surface and/or sub-surface soil characteristics are self-contained water resources. Terms in common include “bogs”, “marshes”, and “swamps”.

**WETLAND, REGULATED** - Wetlands regulated by the Michigan Department of Natural Resources and Environment (MDNRE) pursuant to Public Act 451, as amended. Such lands

generally are characterized by the presence of water at a frequency and duration to support aquatic life. In general, regulated wetlands are contiguous to an inland lake, pond, river or stream, or if not contiguous, then more than five (5) acres in size.

**YARD, FRONT** - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the foundation.

**YARD, MINIMUM REQUIRED** - An open space of prescribed width or depth between a building, structure or use and a property or lot line on the same land with such buildings, structures, or use that is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. See illustration below:



**YARD, REAR** - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the foundation of the main building. In the case of corner lots, there shall only be one rear yard, which shall be determined by the owner.

**YARD, SIDE** - An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the foundation of the main building.

**ZONING ADMINISTRATOR** - An individual or entity appointed, hired, or contracted by the Township Board to administer this Ordinance.

**ZONING DISTRICT** - A portion of the Township within which specific regulations and requirements, or various combinations thereof apply as provided in this Ordinance.

**ZONING LOT** - A single tract of land that upon applying for a zoning permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control and which tract satisfies the applicable requirements of this

Ordinance in every respect. A zoning lot may, therefore, not coincide with a lot of record, but may include one (1) or more lots of record, or portions thereof.

ZONING PERMIT - A document provided by the Zoning Administrator signifying that a requested use or improvement is in compliance with the provisions of this Ordinance as to use, activity, bulk, and density.



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## ARTICLE 16

### ENACTMENT AND EFFECTIVE DATE

#### SECTION 1601 EFFECTIVE DATE

- A. This Ordinance was adopted on November 13, 2012 by the Fulton Township Board and became effective December 5, 2012.

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William Burnham, Township Supervisor                      Date

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Diane L Ruedger, Township Clerk                              Date

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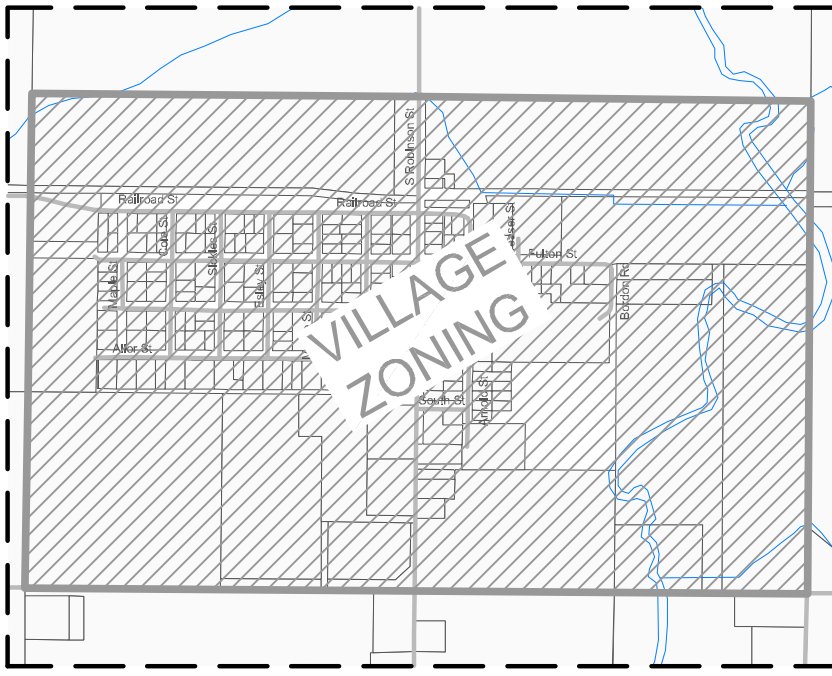
# ZONING MAP TOWNSHIP OF FULTON GRATIOT COUNTY, MICHIGAN 2012 UPDATE

## LEGEND

- A-1, AGRICULTURAL DISTRICT
- R-1, RESIDENTIAL DISTRICT
- C-1, COMMERCIAL DISTRICT
- I-1, INDUSTRIAL DISTRICT
- MH, MANUFACTURED HOUSING COMMUNITY DISTRICT
- PUD, PLANNED UNIT DEVELOPMENT



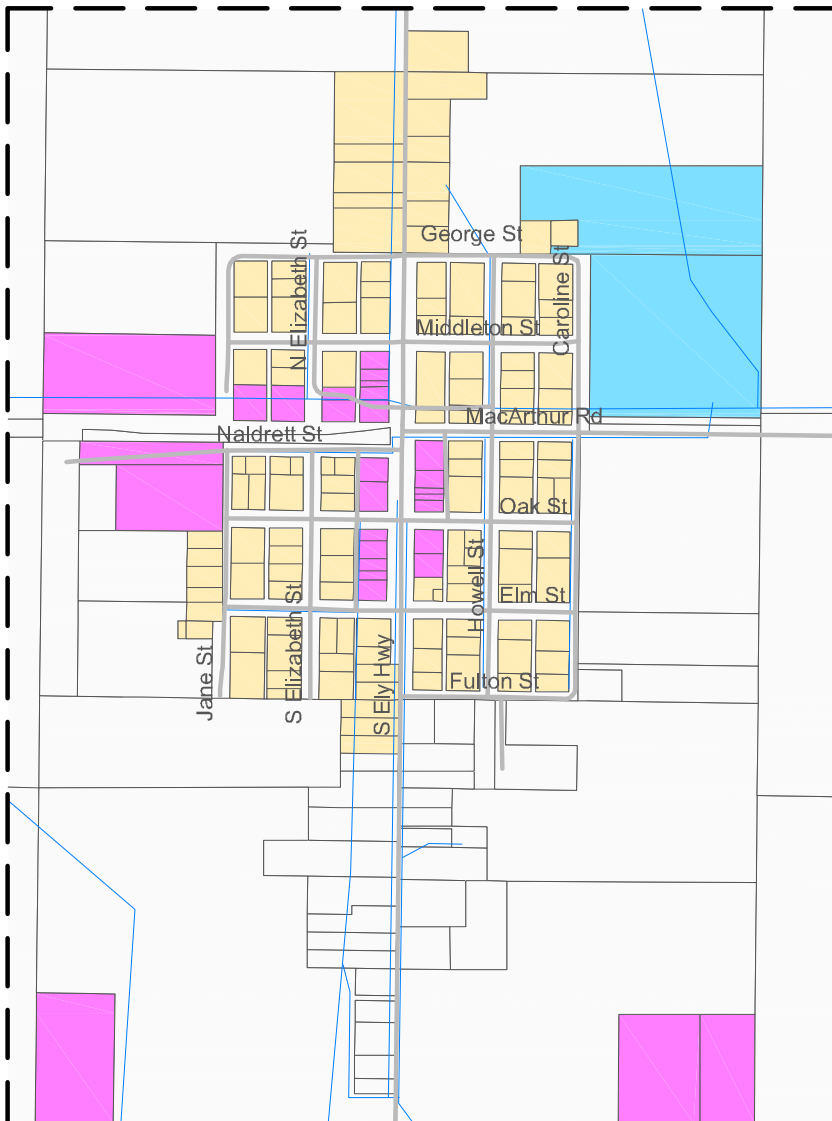
PERRINTON



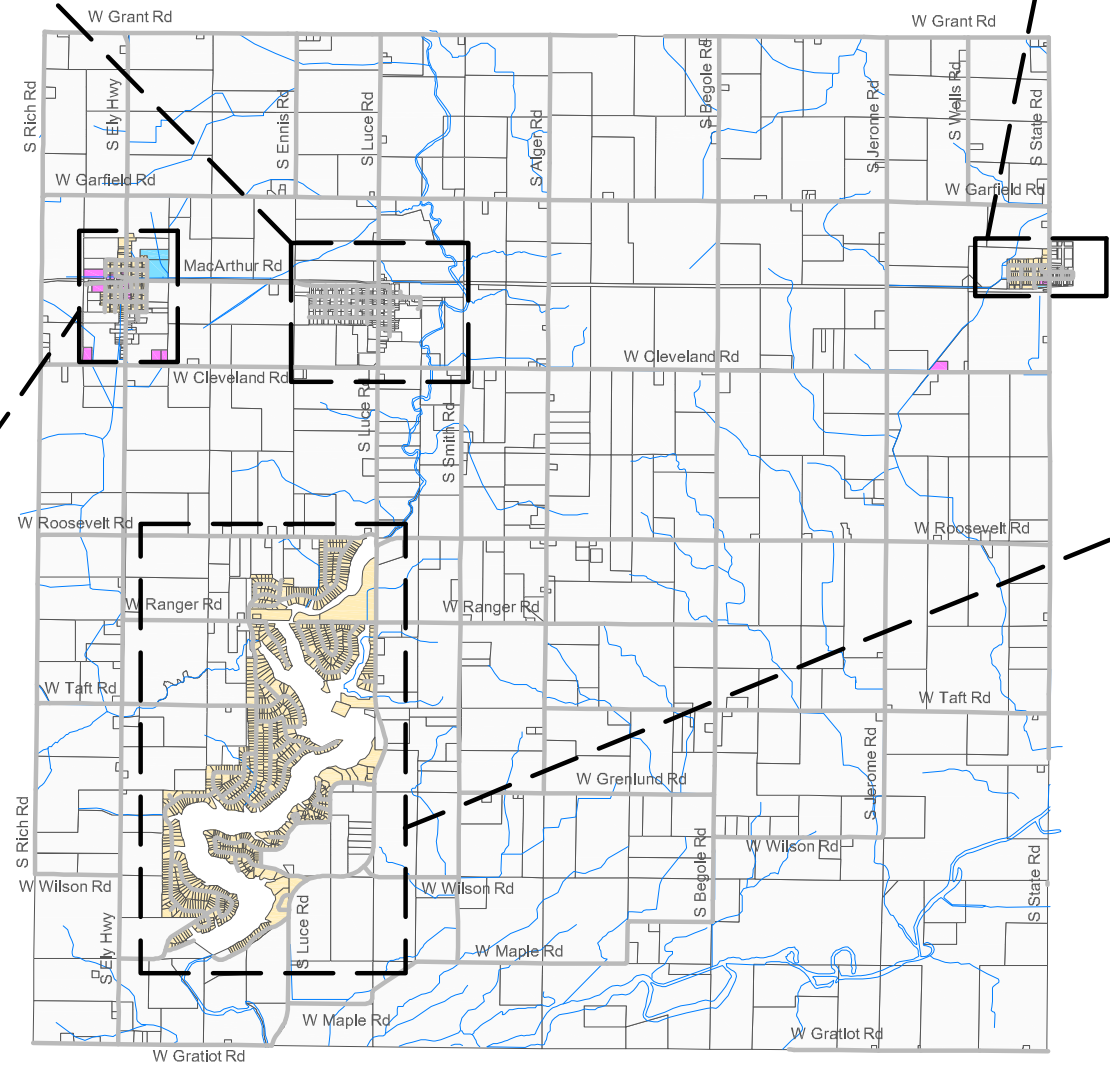
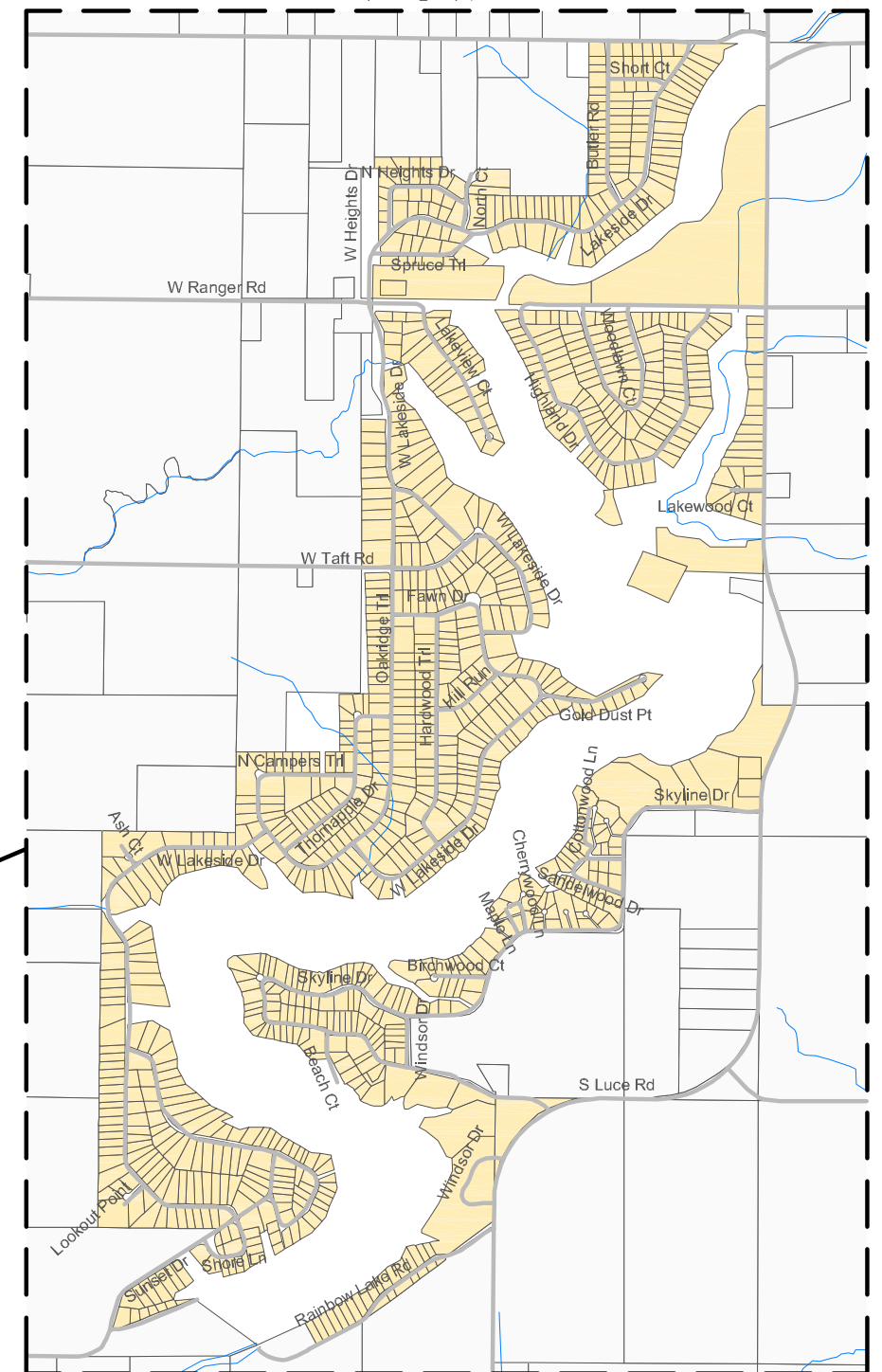
POMPEII



MIDDLETON



RAINBOW LAKE



**ORDINANCE TO AMEND  
FULTON TOWNSHIP ZONING ORDINANCE  
TO PERMIT MUNICIPAL CIVIL INFRACTIONS**

*An Ordinance to amend the Fulton Township Zoning Ordinance to permit enforcement by the issuance of municipal civil infractions and to repeal all ordinances or parts thereof in conflict therewith.*

**FULTON TOWNSHIP ORDAINS:**

Section 1: Fulton Township hereby amends Section 207 of the Fulton Township Zoning Ordinance to read as follows:

**SECTION 207            ENFORCEMENT, VIOLATIONS, AND PENALTIES**

- A.    *Nuisances per se.* Any building, structure or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance *per se*.
  
- B.    *Criminal violations.* Violation of a provision of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 90 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day a violation continues shall be considered a separate offense.
  
- C.    *Municipal Civil Infractions.* Persons, firms, corporations or entities in violation of a provision of this Ordinance, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans, may be subject to and found responsible for a municipal civil infraction. The schedule of fines for any municipal civil infraction shall be established by the Municipal Civil Infraction Ordinance, as provided for in this Zoning Ordinance, or resolution of the Township Board, not to exceed \$500.00 plus court costs, attorney fees and abatement costs of each violation, together with all other remedies pursuant to MCL 600.8701, *et seq.* Each day a violation continues shall be deemed a separate municipal civil infraction. A schedule of fines for violation of this Ordinance shall be available at the municipal civil infractions bureau.
  
- D.    *Remedies.* In addition to any other remedies, the township may institute proceedings for injunction, mandamus, abatement or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, jail sentence, or forfeiture shall not exempt the violator from compliance with the provisions of this Ordinance.

Section 2: Fulton Township hereby deletes Section 312 of the Fulton Township Zoning Ordinance and rennumbers Section 313 and all following sections accordingly.

Section 3: The Fulton Township Clerk shall publish a notice of adoption of this Ordinance in a newspaper of general circulation in the Township and copies of this Ordinance shall be available for public use and inspection at the office of the Township Clerk

Section 4: If a court of competent jurisdiction or administrative agency of the State of Michigan declares any provision of this Ordinance to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision; provided, that if a court of competent jurisdiction or administrative agency declares a penalty provision to exceed the authority of the Township, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the Township to impose.

Section 5: All other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 6: This Ordinance shall become effective seven (7) days after publication of notice of adoption, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, the Ordinance will take effect in accordance with MCL 125.3402.

Roll call vote taken:

YEAS: 5  
NAYS: 0  
ABSTAIN/ABSENT: 0

ORDINANCE DECLARED ADOPTED.

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Denise Rossman, Fulton Township Supervisor

### CERTIFICATION

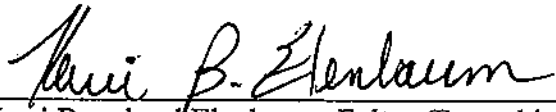
I, Karri Bouchard Elenbaum, Township Clerk of Fulton Township, hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Fulton Township Board at a duly scheduled and noticed meeting of that Township Board held on September 21, 2017, pursuant to the required statutory procedures.
2. Notice of adoption of this Ordinance was duly published in a newspaper that circulates within Fulton Township, on October 12, 2017.

3. Within 1 week after such publication, I recorded this Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the township board voting, and how each member voted.

4. I received no notice of proposed referendum on this Ordinance within 7 days after the publication of the notice of adoption or received no sufficient petitions for referendum on this Ordinance within 30 days after the publication of the notice of adoption.

ATTESTED:

  
Karri Bouchard Elenbaum  
Karri Bouchard Elenbaum, Fulton Township Clerk

Dated: Oct 11, 2017

**NOTICE OF ADOPTION  
ZONING ORDINANCE AMENDMENT  
Fulton Township  
Gratiot County, Michigan**

Please take notice that on September 21, 2017, the Fulton Township Board adopted the following Zoning Ordinance Amendment, which amends the Zoning Ordinance to permit the enforcement of the civil infraction process. Copies of the Zoning Ordinance Amendment may be obtained from Karri Bouchard Elenbaum, Fulton Township Clerk, at 3425 W. Cleveland Road, Perrinton, MI 48871.

The Zoning Ordinance Amendment provides, in summary, for the enforcement of the Zoning Ordinance through the civil infraction process by amending Section 207 of the Zoning Ordinance. The Zoning Ordinance Amendment has the following sections and catch lines: Section 1: Amends Section 207 to permit civil infraction citations; Section 2: Deletes Section 312 and renumbers Section 313 accordingly; Section 3: Provides for publication of the notice of adoption; Section 4: Provides for severability of the Ordinance if any part is deemed invalid; Section 5: Repeals any ordinances in conflict; and Section 6: Effectuates the Ordinance as provided by the Michigan Zoning Enabling Act.

Published by Order of the Township Board  
Fulton Township, Gratiot County, Michigan  
Karri Bouchard Elenbaum, Township Clerk  
(989) 236-5102

Publication Date: October 12, 2017



**Fulton Township  
Gratiot County, Michigan  
Civil Infractions Ordinance  
Ordinance No. 27**

At a meeting of the Township Board of Fulton Township, Gratiot County, Michigan, held at the Fulton Township Hall on September 21, 2017, at 9:00 p.m., Township Board Member Phil Foster moved to adopt the following Ordinance, which motion was seconded by Township Board Member Jay Childers:

*An Ordinance to provide for the enforcement of Fulton Township Ordinance violations through the issuance of Municipal Civil Infraction Citations and Municipal Civil Infraction Violation Notices, establish the Fulton Township Municipal Ordinance Violations Bureau for the purpose of accepting admissions of responsibility for Ordinance violations designated as municipal civil infractions for which municipal Ordinance violation notices have been issued and served by authorized officials; to collect and retain civil fines/costs for such violations as prescribed herein, to establish that the Township Code Enforcement Officer, Township Zoning Administrator, and members of the Gratiot County Sheriff's Department who provide services to the Township may issue Municipal Civil Infraction Citations and Municipal Civil Infraction Violation Notices, and to repeal all conflicting Ordinances or parts of Ordinances.*

THE TOWNSHIP OF FULTON, GRATIOT COUNTY, MICHIGAN, ORDAINS:

**Section 1: Title:** This Ordinance shall be known and cited as the Fulton Township Civil Infractions Ordinance.

**Section 2: Definitions:** As used in this Ordinance:

- A. "Act" means Act No. 236 of the Public Acts of 1961, as amended.
- B. "Authorized Township Official" means the Township Code Enforcement Officer, the Township Zoning Administrator, a police officer or other personnel of the Township authorized by this Ordinance or any Ordinance to issue Municipal Civil Infraction Citations or Municipal Civil Infraction Violation Notices, including members of the Gratiot County Sheriff's Department who provide services to the Township.
- C. "Bureau" means the Fulton Township Municipal Ordinance Violations Bureau as established by this Ordinance.
- D. "District Court" means the District Court for Gratiot County, Michigan.
- E. "Municipal Civil Infraction Action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

F. "Municipal Civil Infraction Citation" or "Citation" means a written complaint or notice prepared by an Authorized Township Official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

G. "Municipal Civil Infraction Violation Notice" means a written notice prepared by an authorized township official, directing a person to appear at the Fulton Township Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the township, as authorized under Sections 8396 and 8707(6) of the Act.

H. "Township" means Fulton Township, Gratiot County, Michigan.

I. "Township Code Enforcement Officer" means that person designated by the Township Board to enforce the provisions of Township Ordinances.

J. "Township Zoning Administrator" means that person designated by the Township Board to enforce the Township Zoning Ordinance.

**Section 3: Municipal Civil Infraction Action; Commencement:** A Municipal Civil Infraction Action may be commenced upon the issuance by an Authorized Township Official of:

A. A Municipal Civil Infraction Citation directing the alleged violator to appear in District Court; or

B. A Municipal Civil Infraction Violation Notice providing the alleged violator with an option to appear at the Bureau.

**Section 4: Municipal Civil Infraction Citations; Issuance and Service:** Municipal Civil Infraction Citations shall be issued and served by Authorized Township Officials as follows:

A. The time for appearance specified in a Citation shall be within a reasonable time after the Citation is issued.

B. The place for appearance specified in a Citation shall be the District Court.

C. Each Citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original Citation shall be filed with the District Court. Copies of the Citation shall be retained by the Township and issued to the alleged violator as provided by Section 8705 of the Act.

D. A Citation for a municipal civil infraction signed by an Authorized Township Official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."

E. An Authorized Township Official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.

F. An Authorized Township Official may issue a Citation to a person if:

(1) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or

(2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the Authorized Township Official has reasonable cause to believe that the person is responsible for an infraction and if the prosecuting attorney or township attorney approves in writing the issuance of the Citation.

G. Municipal Civil Infraction Citations shall be served by an Authorized Township Official as follows:

(1) Except as provided by Section 4(G)(2), an Authorized Township Official shall personally serve a copy of the Citation upon the alleged violator.

(2) If the Municipal Civil Infraction Action involves the use or occupancy of land, a building, or other structure, a copy of the Citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting a copy on the land or attaching a copy to the building structure. In addition, a copy of the Citation shall be sent by first class mail to the owner of the land, building, or structure at the owners' last known address.

#### **Section 5: Municipal Civil Infraction Citations; Contents**

A. A Municipal Civil Infraction Citation shall contain

(1) A description of the violation;

(2) The amount of the scheduled fines and/or costs for the violation;

(3) The name and address of the alleged violator; and

(4) The place where the alleged violator shall appear in court; and

(5) The telephone number of the court, and the time at or by which the appearance shall be made.

B. The Citation shall inform the alleged violator that he or she may do one of the following:

(1) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.

(2) Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation.

(3) Deny responsibility for the municipal civil infraction by doing either of the following:

(a) Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before the judge is requested by the Township.

(b) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

C. The Citation shall also inform the alleged violator of all of the following:

(1) That if the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.

(2) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the Citation.

(3) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the Township.

(4) That at an informal hearing that the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.

(5) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.

D. The Citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the Citation or at the time scheduled for a hearing

or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the Municipal Civil Infraction Citation.

**Section 6: Establishment, Location and Personnel of the Municipal Ordinance Violations Bureau**

A. The Township hereby establishes a Municipal Ordinance Violations Bureau as authorized under the Act to accept admissions of responsibility for municipal civil infractions in response to Municipal Civil Infraction Violation Notices issued and served by Authorized Township Officials, and to collect and retain civil fines and costs as prescribed by this Ordinance and any related Ordinance.

B. The Bureau shall be located at the Fulton Township Hall, and shall be under the direct supervision and control of the Township clerk. The Township clerk, subject to the approval of the Township Board, may adopt rules and regulations for the operation of the Bureau and appoint the Township treasurer or any other necessary qualified Township employees to administer the Bureau.

C. The Bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a Municipal Civil Infraction Violation Notice (as compared to a Citation) has been issued. The fact that a fine has been scheduled for a particular violation shall not entitle any person to dispose of the violation at the Bureau. Nothing in this Ordinance shall prevent or restrict the Township from issuing a Municipal Civil Infraction Citation for any violation or from prosecuting any violation in a court of competent jurisdiction. No person shall be required to dispose of a Municipal Civil Infraction Violation at the Bureau, and instead may choose to have the violation processed before a court of appropriate jurisdiction. The unwillingness of any person to dispose of any violation at the Bureau shall not prejudice the person or in any way diminish the person's rights, privileges and protection accorded by law.

D. The scope of the Bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions arising out of Municipal Civil Infraction Violation Notices and collecting and retaining civil fines and costs as a result of those admissions. The Bureau shall not accept payment of a fee from any person who denies having committed the offense or who admits responsibility only with explanation, and in no event shall the Bureau determine, or attempt to determine, the veracity of any fact or matter relating to an alleged violation.

E. Municipal civil infraction violation notices shall be issued and served by Authorized Township Officials under the same circumstances and upon the same persons as provided for citations as prescribed in this Ordinance. In addition to any other information required by this Code of Ordinances, the notice of violation shall indicate the time by which the alleged violator must appear at the Bureau, the methods by which an appearance may be made, the address and telephone number of the Bureau, the hours during which the Bureau is open, the amount of the fine scheduled for the alleged violation, and the consequences for failure to appear and pay the required fine within the required time.

F. An alleged violator receiving a Municipal Civil Infraction Violation Notice shall appear at the Bureau and pay the specified fine and costs at or by the time specified for appearance in The Municipal Civil Infraction Violation Notice. An appearance may be made by mail, in person, or by representation.

G. If an Authorized Township Official issues and serves a Municipal Ordinance Violation Notice, and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines for the violation are not paid at the Bureau, a Municipal Civil Infraction Citation may be filed with the District Court and a copy of the Citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The Citation filed with the District Court does not need to comply in all particulars with the requirements for Citations as provided by this Ordinance, but shall consist of a sworn complaint containing the allegations stated in the municipal Ordinance violation notice and shall fairly inform the alleged violator how to respond to the Citation.

**Section 7: Schedule of Civil Fines/Costs:** Unless a different schedule of civil fines is provided for by an applicable Ordinance, the civil fines payable for a municipal civil infraction citation or violation shall be posted at the Bureau and the Township Hall. The fines for the violations shall be as follows:

- A. A civil fine of \$125 for each violation.
- B. Increased civil fines shall be imposed upon a person for a repeat offense violating any requirement or provision of any ordinance. The increased fine for a repeat offense shall be as follows:
  - (1) The fine for any offense which is a first repeat offense (2nd offense) shall be \$250.
  - (2) The fine for any offense which is a second repeat offense (3rd offense) or any subsequent repeat offense shall be \$500.

In addition to the civil fines, costs in the amount of \$10.00 shall be assessed by the Bureau if the fine and costs are paid within 10 days of the date of service of the municipal ordinance violation notice. Otherwise, costs of \$20.00 shall be assessed by the Bureau. On matters that proceed in District Court, attorney's fees may be assessed in an amount of up to five hundred (\$500.00) per violation.

**Section 8: Records and Accounting:** The Bureau Clerk or other designated Township official/employee shall retain a copy of all municipal Ordinance violation notices, and shall account to the Township Board once a month or at such other intervals as the Township Board may require concerning the number of admissions and denials of responsibility for Ordinance violations within the jurisdiction of the Bureau and the amount of fines/costs collected with respect to such violations. The civil fines/costs collected shall be delivered to the Township Treasurer at such intervals as the Treasurer shall require, and shall be deposited in the general fund of the Township.

**Section 9: Availability of Other Enforcement Options:** Nothing in this Ordinance shall be deemed to require the Township to initiate its municipal civil infraction Ordinance enforcement activity through the issuance of an Ordinance violation notice. As to each Ordinance violation designated as a municipal civil infraction the Township may, at its sole discretion, proceed directly with the issuance of a municipal civil infraction citation or take such other enforcement action as is authorized by law, including, without limitation, injunctive relief or criminal enforcement.

**Section 10: Severability:** The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**Section 11: Repeal:** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**Section 12: Effective Date:** This Ordinance shall take effect thirty (30) days after publication as required by law following adoption by the Township Board.

YEAS: 5

NAYS: 0

ABSENT/ABSTAIN: 0

ORDINANCE DECLARED ADOPTED.

**CERTIFICATION**

I hereby certify that the above is a true copy of an Ordinance adopted by the Fulton Township Board at a Meeting held on September 21, 2017, pursuant to the required statutory procedures.

Dated September 21, 2017



Karri Bouchard Elenbaum  
Fulton Township Clerk

**NOTICE OF ADOPTION**  
**CIVIL INFRACTION ORDINANCE**  
**Fulton Township**  
**Gratiot County, Michigan**  
**ORDINANCE NO. 27**

Please take notice that, on September 21, 2017, the Township Board of Fulton Township adopted Ordinance No. 27, which regulates and authorizes civil infractions in the Township. Copies of the Ordinance may be obtained from Karri Bouchard Elenbaum, Fulton Township Clerk, at 3425 W. Cleveland Road, Perrinton, MI 48871.

The Ordinance provides, in summary, for the enforcement of certain township ordinances by the civil infraction process. The Ordinance has the following sections and catch lines: Section 1: Title; Section 2: Definitions; Section 3: Municipal Civil Infraction Action; Commencement; Section 4: Municipal Civil Infraction Citations; Issuance and Service; Section 5: Municipal Civil Infraction Citations; Contents, Section 6: Establishment, Location and Personnel of the Municipal Ordinance Violations Bureau; Section 7: Schedule of Civil Fines/Costs; Section 8: Records and Accounting; Section 9: Availability of Other Enforcement Options; Section 10: Severability; Section 11: Repeal; and Section 12: Effective Date. This Ordinance shall be effective thirty (30) days after publication of this Notice.

Published by Order of the Township Board  
Fulton Township, Gratiot County, Michigan  
Karri Bouchard Elenbaum, Township Clerk  
(989) 236-5102

Publication Date: October 12, 2017



# FULTON TOWNSHIP PUBLIC NUISANCES ORDINANCE

Ordinance No. 28

*An ordinance to promote the health, safety, and welfare of the people of Fulton Township, Gratiot County, Michigan, by the regulation, prevention, reduction or elimination of the blight or potential blight in the Township, defining and prohibiting blight; declaring certain acts, apparatus, accumulations, violations, and activities as public nuisances per se,; enforcement of this ordinance, and recovery of costs incurred by Fulton Township; and repealing all ordinances or parts of ordinances in conflict with this ordinance.*

THE TOWNSHIP OF FULTON, GRATIOT COUNTY, MICHIGAN, ORDAINS:

**SECTION 1: TITLE.** This ordinance shall be known and cited as the Fulton Township Public Nuisances Ordinance.

## **SECTION 2: DEFINITIONS.**

*“Building Materials”* means to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.

*“Litter or Junk”* means all rubbish, refuse, waste material, and garbage, including, but not limited to: organic refuse; food wastes; drug paraphernalia; ashes; dead animals; fish; animal bones; hides; rotten soap; parts of machinery or motor vehicles, grease, tallow, offal, shell, food containers or wrappings; cans; bottles; jars; crockery; garbage; discarded or abandoned furniture or materials, including camping and picnic gear and equipment; cartons; boxes; crates; rags; clothing; bedding; floor covering; wallpaper; sweepings; waste paper; newspapers or magazines; discarded appliances; excrement; construction debris including, but not limited to, lumber, bricks, block, plumbing or heating materials, roofing materials, concrete, cement, electrical materials or siding; yard debris or rubbish including, but not limited to, grass clippings, clippings from hedges or shrubs, or detached tree branches; industrial waste; and unclean or nauseous fluids or gases.

*“Public Nuisance”* means whatever injures or endangers the safety, health, welfare, or repose of the public; or renders dangerous any street, highway, navigable lake, or stream. Public nuisances shall include, but shall not be limited to, whatever is forbidden by any provision of this Ordinance.

**SECTION 3: PUBLIC NUISANCE PROHIBITED.** Public Nuisances are prohibited in the Township. No person shall commit, create, or maintain any public nuisance.

**SECTION 4: PUBLIC NUISANCES *PER SE*.** The following acts, apparatus, accumulations, violations, and activities within the Township are hereby declared to be public nuisances *per se*, unless otherwise permitted by the Township Zoning Ordinance:

1. No person shall maintain or permit to remain on premises owned or occupied by him or her; or throw, place, or leave; or permit the throwing, placing, or leaving on the premises of another any of the following substances: garbage, discarded furniture, appliances and household goods, building materials, construction debris, concrete, electrical materials, industrial waste, unclean or nauseous fluids or gases, in any of the following locations:
  - A. Any public street, highway, lane, road, alley, public place, square, sidewalk or any lands within the boundaries of the Township owned by the Township or other municipal corporation.
  - B. Any river, lake, stream, or other body of water.
  - C. Any private place or premises where in the opinion of the Township Code Enforcement Officer or his/her agent, the specified substances constitute a dangerous condition or are detrimental to the public health, safety, or welfare or may cause sickness or attract flies, insects, rodents, or vermin.
2. The emission of noxious fumes or gas, smoke, ashes, dust or soot in such quantities as to render occupancy of property dangerous to a person of ordinary sensibilities.
3. The keeping, placing, injecting, dumping, or discharging by any means of toxic or hazardous waste, explosives, inflammable liquids, or other dangerous substances into the air, water, or subsurface soil, or onto the surface of the ground, or stored in any manner or in any amount contrary to the provisions of any statute or applicable administrative regulation of the state of Michigan.
4. All dangerous, unguarded excavations or dangerous, unguarded machinery in any public place, or so situated, left upon or operated on private property as to attract the public.
5. Unless under the reasonable control of a person, the failure to keep any dog on the property of its owner or custodian and to restrain from entering the public way or the property of another.
6. The keeping of any animal, bird or fowl that emanates frequent or extended noise that unreasonably disturbs the quiet, comfort or repose of a person of reasonable sensitivities; such as allowing or permitting any loud, frequent or habitual barking, yelping, or howling of any dog in an area where such barking can be clearly heard from nearby residential property.
7. Leaving, keeping, storing or maintaining a junk motor vehicle on any premises, unless such vehicle is completely enclosed within a lawful building. For purposes of this Ordinance, a junk motor vehicle is any vehicle that is self-propelled or intended to be self-propelled, or any portion of such a vehicle, that:

- A. Is subject to registration under the Michigan Vehicle Code, MCL 257.1, et seq, and has not been registered or does not display an unexpired and valid license plate for the vehicle; or
- B. Has remained on a premises for a period of thirty (30) days or more, and does not have an engine in running condition, four (4) inflated tires and a battery, or is incapable of safe operation on the streets and highways as required by the Michigan Vehicle Code; or
- C. For any reason, including dismantling, disrepair or otherwise, is not operable, not repairable, cannot be started, or is unable to be propelled under its own power.

Junk motor vehicles, for purposes of this Ordinance, shall not include vehicles lawfully kept as stock in trade by a state-licensed dealer in motor vehicles.

- 8. Leaving, keeping, storing or maintaining an abandoned vehicle on any private or public property within the Township. For purposes of this Ordinance, an abandoned vehicle is either:
  - A. A vehicle that has remained on private property without the consent of the owner; or
  - B. A vehicle that has remained on public property for a period of not less than 48 hours.

An abandoned vehicle may be disposed of as provided for in the Michigan Vehicle Code, MCL 257.252a, et seq.

- 9. Any structure or part thereof which because of fire, wind or other natural disaster, or merely by virtue of physical deterioration, is no longer habitable as a dwelling or useful for any other purposes for which it may originally have been intended.
- 10. Exceptions. None of the prohibitions enumerated above shall apply to the following:
  - (i) Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
  - (ii) Warning devices emitting sound for warning purposes as authorized by law.
  - (iii) The storage of machines and agricultural equipment and the noises of animals and machines as a result of farming operations, including those operations protected by the Michigan Right to Farm Act (RTFA) and conforming to generally accepted agricultural management practices (GAAMPs) developed by the Michigan Department of Agriculture.

**SECTION 5: ABATEMENT; COSTS.** All expenses incurred by the Township, the Township Ordinance Enforcement Officer or his/her agent in repairing, tearing down, abating, or removing a public nuisance under this Ordinance, or otherwise enforcing this Ordinance shall be charged to the person responsible therefor, the occupant of the land in question, or the person who appears as an owner or a party in interest upon the last local tax assessment records of the Township. If such person fails to pay the charge within 30 days after a statement therefor is mailed to him or her, the amount of expenses incurred by the Township, the Township Ordinance Enforcement Officer or his/her agent in repairing, tearing down, abating, or otherwise removing the public nuisance may be paid from the Township general fund and the amount thereof assessed against the lands on which the expenditures were made on the next general tax assessment roll of the Township and shall be collected in the same manner as other taxes are collected. The Township shall have a lien upon such lands for such expense, such lien to be enforced in the manner prescribed by the general laws of the state providing for the enforcement of tax liens.

**SECTION 6: SEVERABILITY.** The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

**SECTION 7: REPEAL.** All ordinances or parts of ordinances in conflict herewith are hereby repealed, including Ordinance No. 9, *School Trespass Ordinance*; Ordinance No. 20, *Dog Ordinance*; and Ordinance No 22, *Anti-Blight/Nuisance Ordinance*; provided that this ordinance shall not be construed to repeal expressly or by implication any provision of the Township Zoning Ordinance.

**SECTION 8: EFFECTIVE DATE.** This ordinance shall take effect 30 days after publication as required by law.

The above ordinance was offered for enactment by Phil Foster and was supported by Jay Childers at a regular meeting of the Fulton Township Board, held at the Fulton Township Hall, on the 21<sup>st</sup> day of September, 2017, at 9:00 a.m., the vote being as follows:

YEAS: 5

NAYS: 0

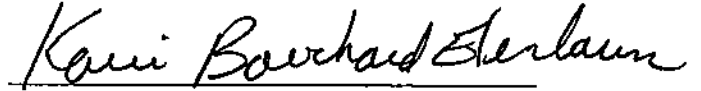
ABSENT/ABSTAIN: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

Denise Rossman  
Denise Rossman, Fulton Township Supervisor

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Fulton Township Board at a meeting held on September 21, 2017, pursuant to the procedures required by law.



Kari Bouchard-Elenbaum  
Fulton Township Clerk

**NOTICE OF ADOPTION  
PUBLIC NUISANCE ORDINANCE  
Fulton Township  
Gratiot County, Michigan  
ORDINANCE NO. 28**

Please take notice that on September 21, 2017, the Township Board of Fulton Township adopted Ordinance No. 28, which defines and prohibits public nuisances and public nuisances per se, classifies public nuisances as municipal civil infractions, provides procedures for the abatement of public nuisances and the recovery of associated costs, and repeals all contrary ordinances or parts of ordinances. Copies of the Public Nuisances Ordinance may be obtained from Karri Bouchard Elenbaum, Fulton Township Clerk, at 3425 W. Cleveland Road, Perrinton, MI 48871.

The Ordinance has the following sections and catch lines: Section 1: Title; Section 2: Definitions; Section 3: Public Nuisance Prohibited; Section 4: Public Nuisances Per Se; Section 5: Abatement; Costs; Section 6: Severability; Section 7: Repeal; Section 8: Effective Date, which is thirty (30) days after publication of this notice.

Published by Order of the Township Board  
Fulton Township, Gratiot County, Michigan  
Karri Bouchard Elenbaum, Township Clerk  
(989) 236-5102

Publication Date: October 12, 2017

**NOTICE OF ADOPTION  
PUBLIC NUISANCE ORDINANCE  
Fulton Township  
Gratiot County, Michigan  
ORDINANCE NO. 28**

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The Ordinance has the following sections and catch lines: Section 1: Title; Section 2: Definitions; Section 3: Public Nuisance Prohibited; Section 4: Public Nuisances Per Se; Section 5: Abatement; Costs; Section 6: Severability; Section 7: Repeal; Section 8: Effective Date, which is thirty (30) days after publication of this notice.

Published by Order of the Township Board  
Fulton Township, Gratiot County, Michigan  
Karri Bouchard Elenbaum, Township Clerk  
(989) 236-5102

Publication Date: October 12, 2017

# Blight Ordinance

(as amended)

**AN ORDINANCE TO PREVENT, REDUCE OR ELIMINATE BLIGHT, BLIGHTING FACTORS OR CAUSES OF BLIGHT WITHIN FULTON TOWNSHIP, GRATIOT COUNTY, MICHIGAN; TO PROVIDE FOR THE ENFORCEMENT HEREOF; AND TO PROVIDE PENALTIES FOR THE VIOLATION HEREOF; PURSUANT TO THE ENABLING AUTHORITY THEREFORE PROVIDED BY ACTS 344 (MCL 125.71 ET SEQ.) AND 246 (MCL 41.181 ET SEQ.) OF THE PUBLIC ACTS OF 1945 AS AMENDED.**

**THE TOWNSHIP OF FULTON, GRATIOT COUNTY, ORDAINS:**

## **Section 1. PURPOSE**

Consistent with the letter and spirit of act No. 344 of the Public Acts of 1945, as amended, it is the purpose of this Ordinance to prevent, reduce or eliminate blight or potential blight in Fulton Township by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in said township.

## **Section 2. CAUSES OF BLIGHT OR BLIGHTING FACTORS**

It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. On and after the effective date of this Ordinance, no person, firm or corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in Fulton Township owned, leased, rented or occupied by such person, firm or corporation.

**A. Any parking, storage or accumulation of inoperable motor vehicles on any private property, unless that storage or accumulation is inside a completely enclosed building, or a fence made of such material as would hide said accumulation from view, or if such accumulation and/or storage is accomplished in such a manner as to conceal same from view from adjacent private or public property, including public or private roads.**

**No such storage or accumulation shall be permitted when such storage presents a hazard to public health or safety.**

**Nothing contained herein shall prohibit the storage, out-of-doors, of motor vehicles commonly licensed for farm use, whether such license is currently in effect or not, or recreational motor vehicles and trailers, whether currently licensed or not.**

**For the purpose of this Ordinance, an inoperable motor vehicle is defined as a motor vehicle not in operating condition and eligible for use in accordance with the requirements of the Michigan Vehicle Code. These requirements include, but are not limited to, an engine that runs, four wheels and four tires capable of holding air, current license plates, and a working battery.**

**B. The storage upon any property, outside of a fully enclosed building, of building materials. The outdoor storing of building materials is permitted at any retail or wholesale building supply establishment located in a commercial or industrial district. The outdoor storage of building materials is permitted in other zoning districts when stored for the purpose of construction for which construction, a valid building permit has been issued**



by the appropriate county or township building official and where said materials are intended for use in connection with such construction.

For the purposes of this Ordinance, the term "building materials" is defined to include lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, cement, nails, screws or any other materials used in constructing any structure.

C. In any area, the storage or accumulation of junk, trash, rubbish or refuse of any kind without a land-fill permit, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed thirty days. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of woods, metal or any other material or other cast-off material of any kind whether or not the same could be put to any reasonable use.

D. In any area the existence of any structure or part of any structure, which, because of fire, wind or other natural disaster, or physical deterioration is no longer habitable, if a dwelling, nor useful for any other purpose of which it may have been intended.

E. In any area, the existence of any vacant dwelling, garage or other outbuilding unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals, or other unauthorized persons.

F. In any area the existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by the Township/City/Village and unless such construction is completed within a reasonable time.

### **Section 3. ENFORCEMENT AND PENALTIES**

- A. This Ordinance shall be enforced by such persons who shall be so designated by the Township.
- B. Any violation of this Ordinance shall constitute a nuisance per se. Violation of, or any failure to comply with, the provisions of this Ordinance shall be deemed a misdemeanor and shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment but not to exceed ninety (90) days or both. Each day that a violation of this Ordinance is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in the Section, provided no person shall be imprisoned for a period in excess of ninety (90) days.
- C. In the event a Court Order is entered ordering the abatement of such nuisance, the Township designee may, if the Defendant fails to obey such Order, take such measures as necessary or as directed by the Township designee to abate such nuisance and the entire cost thereof including all costs and attorney fees shall, at the option of the Township designee, become a lien against the premises upon which the nuisance was located and shall be added to the tax rolls, or become a deficiency Judgment to be enforce by levy, execution, garnishment or otherwise.

**Section 4. SEVERABILITY**

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force an effect.

**Section 5. EFFECTIVE DATE AND ADOPTION**

- A. This ordinance shall become effective thirty (30) days after its publication as required by law. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
  
- B. This Ordinance was adopted by the Township Board of the Township of Fulton, Gratiot County, Michigan at the Regular meeting thereof held on October 15, 2020.

Chad Marecek

Signed by \_\_\_\_\_

Fulton Township Clerk



Published November 5, 2020

Effective date December 5, 2020

**FULTON TOWNSHIP  
GRATIOT COUNTY**

**ZONING ORDINANCE AMENDMENT**

**ORDINANCE NO. 38**

At a regular meeting of the township Board of Fulton Township, Gratiot County, Michigan, held at the Fulton Township Hall on September 16, 2021 at 9 a.m., Township Board Member Melissa Zemla moved to adopt the following ordinance, which motion was seconded by Township Board Member Chad Marecek.

*An Ordinance to amend the Fulton Township Zoning Ordinance, as amended, to include definitions of Solar Energy Systems and Solar Farms, to provide for Solar Energy Systems as accessory uses in all Districts, to add Solar Farms as special uses in the AG and I-1 Districts, to provide for special use regulations of Solar Farms, to require additional site plan materials for Solar Farms; in order to maintain the public health, safety, and welfare of the residents of and visitors to Fulton Township.*

Fulton Township, Gratiot County, ordains:

**SECTION 1. AMENDMENT OF ARTICLE 15, SECTION 1503.** The Fulton Township Zoning Ordinance, Article 15, Section 1503, shall be amended to add the following definitions:

**PARTICIPATING PARCEL** – A parcel or parcels of record that are to be used, occupied, maintained, let, leased or authorized to be used for purposes of implementing, providing access to, or to meet setback requirements for wind energy facilities and systems and a solar farm(s).

**NON-PARTICIPATING PARCEL** – A parcel of record that is not in any manner used, occupied, maintained, let, leased or authorized to be used for wind energy facilities or systems or a solar farm(s).

**SOLAR ENERGY SYSTEM** – A single residential or small business-scale solar energy conversion system consisting of building-mounted panels, ground-mounted solar arrays, or other solar energy fixtures, and associated control or conversion electronics that will be used to produce utility power primarily for on-site use.

**SOLAR FARM** – A utility-scaled commercial facility that converts sunlight into electricity, whether by photovoltaics, concentrating solar thermal devices or any other various experimental solar technologies for the primary purpose of wholesale or retail sales of generated electricity off-site.



**SECTION 2. AMENDMENT OF ARTICLE 3, SECTION 306.** The Fulton Township Zoning Ordinance, Article 3, Section 306 shall be amended to add Section 306(E), which shall read as follows:

E. Solar energy systems are permitted as an accessory use in all zoning districts.

An on-site use Solar Energy System (see Section 1503 for definition) is intended to first serve the needs of the private owner. Systems may be building-mounted or ground-mounted. Small systems may be approved through the issuance of both a zoning compliance permit and a building permit, provided the applications and installations meet the requirements set forth in this section. If the zoning administrator believes that the solar energy system may have an adverse impact on the health and safety of the public, it may require the applicant to apply for Site Plan Approval to the Planning Commission.

1. General requirements:

- a. The Zoning Administrator's review, as part of zoning compliance, is required of all Solar Energy Systems permitted as an accessory use. The application should include the following:
  - i. Photographs of the property's existing conditions.
  - ii. Plot plan to indicate where the solar energy equipment is to be installed on the property.
- b. Setbacks: All small solar energy systems shall maintain a minimum setback of twenty (20) feet from all property lines.
- c. All Solar Energy System components must be screened from the street and neighboring residences by fencing or landscaping.
- d. A site plan, drawn to scale, shall show all existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information required by the Zoning Administrator, Building Inspector or Planning Commission that is necessary to determine compliance with this ordinance.
- e. Complete prepared site plans signed by the party that prepared it shall not apply to applications proposing:
  - i. Building-mounted solar panels.
  - ii. Ground-mounted solar panels that do not exceed 8,000 square feet.

- f. Solar energy collectors, and the installation and use thereof, shall comply with the state construction code, the electrical code, and other applicable local construction codes.
2. Building-mounted solar panels:
- a. Solar energy collectors that are mounted on the roof of a building shall not project more than five (5) feet above the highest point of the roof but, in any event, shall not exceed the maximum building height limitation for the zoning district in which it is located, and shall not project beyond the eaves of the roof.
  - b. Solar energy collectors that are wall-mounted shall not exceed the height of the building to which they are attached.
  - c. Solar energy collectors shall not be mounted on a building wall that is parallel to an adjacent public right-of-way.
3. Ground-mounted solar panels:
- a. Shall not be installed on parcels less than one (1) acre in size.
  - b. Shall only be located in the side or rear yard.
  - c. The maximum ground area occupied by solar panels and associated paved surfaces is twenty (20) percent of lot size.
  - d. If more than 4,000 square feet of impervious surface is proposed, a drainage plan must be submitted with the zoning permit application or site plan.
  - e. The maximum ground-mounted panel height is eight (8) feet, measured from grade to the top of the panel.
  - f. Panels shall be screened from residentially zoned parcels and public rights of way by a greenbelt and/or six (6) foot privacy fence.

**SECTION 3. AMENDMENT OF ARTICLE 4, SECTION 408.** The Fulton Township Zoning Ordinance, Article 4, Section 408(B) Special Land Uses to add the following special use to the Agricultural District:

16. Solar Farm

**SECTION 4. AMENDMENT OF ARTICLE 4, SECTION 411.** The Fulton Township Zoning Ordinance, Article 4, Section 411(B) Special Land Uses to add the following special use to the Industrial District:

10. Solar Farm

**SECTION 5. AMENDMENT OF ARTICLE 7.** The Fulton Township Zoning Ordinance, Article 7, shall be amended to add Section 732, which shall read as follows:

**SECTION 732 SOLAR FARM**

Purpose: Fulton Township promotes the effective and efficient use of solar energy collection systems. It is the intent of the Township to permit these systems by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of solar energy collectors, as defined in this Ordinance, shall comply with the provisions of this Section.

1. Such facilities are permitted by special land use in the AG and I-1 Districts.
2. All photovoltaic solar panels and support structures located in a solar farm shall be restricted to a maximum height of twenty (20) feet when oriented at maximum tilt.
3. All photovoltaic solar panels and support structures excluding perimeter fencing and landscaping associated with a solar farm shall be setback **a minimum of seventy (70) feet from right-of-way and one hundred (100) feet from adjacent property lines.**
4. Solar farms are exempt from the maximum lot coverage requirements of the ordinance.
5. A security chain-link fence of eight (8) feet in height shall be placed around the perimeter of the solar farm and electrical equipment. Additionally, a sign shall be posted at the entrance containing the following information: emergency contact, emergency phone number, and emergency shutdown procedures.
6. Noise emanating from the solar farm shall not exceed 50 dB(A) (not calculated as an average) at the property line.
7. A ten (10) foot area clear of trees, bushes, or brush is required surrounding all ground-mounted photovoltaic arrays. Vegetation in the area must be kept trimmed to less than 18 inches.



8. Solar farms shall be sited so that concentrated solar glare shall not be directed toward or onto nearby properties or roadways at any time of day.
9. Solar farms shall include a landscaping and screening/buffering plan. The plan will be reviewed through the approval process to assure that the proposed solar farm is appropriately landscaped in relation to adjacent land uses and road rights-of-way. The use of berms and evergreen plantings along property lines adjacent to residential land uses is strongly encouraged. Exceptions to landscaping requirements may be granted by the Planning Commission on a case-by-case basis if there is perceived environmental or contamination issues on the land.
10. The solar farms shall comply with all applicable state construction and electrical codes including local building permit requirements. The interconnection of the solar form with the utility company shall adhere to the applicable State Electrical Codes.
11. An approved special use permit for a solar farm project shall expire if construction of the solar farm has not commenced within twenty-four (24) months from the date of issuance. An applicant may request an extension of the approval of the special use permit by letter addressed to the Zoning Administrator. The Zoning Administrator may grant or deny an extension of up to twenty-four (24) months for the construction to commence provided the written request to extend the special use permit is submitted prior to the expiration of the special use permit and provided that the proposed use continues to satisfy the applicable standards set forth within the ordinance.
12. An approved special use permit for a solar farm shall constitute approval to operate and use the solar farm twenty-four (24) hours per day.
13. The Township hereby reserves the right upon issuing any solar farm special land use permit to inspect the premises on which the solar farm is located. If a solar farm is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.

**SECTION 6. AMENDMENT OF ARTICLE 5.** The Fulton Township Zoning Ordinance, Article 5, shall be amended to add Section 509, which shall read as follows:

**SECTION 509 SOLAR FARM SPECIAL USE SITE PLAN REQUIRED**

1. Solar Farms shall be located only in the AG or I-1 Districts and shall be approved only as a special land use in accordance with the procedures set forth in Article 7, Special Land Uses. They shall be subject to review and approval under Article 5, Site

Plan Review, including Sections 504 and 506. In addition to the application procedures of Article 5, and applicant seeking approval for a Solar Farm shall also provide the following application materials:

- a. Site Plan: A site plan must include the proposed number, location, and spacing of solar panels; proposed height of panels; location of access roads; planned location of underground or overhead electric lines connection the Solar Farm to the substation or other electric load; proposed storm water management facilities; proposed erosion and sediment control measures; and other related facilities or appurtenances.
- b. Identify the type, size, rated power output, performance, safety and noise characteristics of the proposed system including the transmission line/grid connection for the project.
- c. The estimated construction timeline.
- d. A graphical demonstration of the visual impact of the project using photos or renditions of the project with consideration given to setbacks and proposed landscaping.
- e. Details of the access road to the solar farm including dimensions, composition, and maintenance.
- f. Planned security measures to prevent unauthorized trespass and access.
- g. An environmental analysis identifying any impacts on the surrounding environment. Including the identification of any solid or hazardous waste generated by the project.
- h. Identify potential hazards to adjacent properties, public roadways and to the general public that may be created. Include emergency and normal shutdown procedures.
- i. Identify noise levels at the property lines of the project when completed and operational.
- j. Identify any electromagnetic interference that may be generated by the project.
- k. A copy of the manufacturer's installation instructions shall be provided. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the solar farm, including base



and footings provided along with engineering data and calculations to demonstrate compliance

with the structural design provisions of the State Construction Code; drawings and engineering calculations shall be certified by a registered engineer licensed to practice in the State of Michigan.

- l. A detailed description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the solar farm. The process shall not preclude the Township from acting on the complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where the project representative can be reached during normal business hours.
  
- m. The solar farm application shall contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of project life, inoperability of the solar farm, or facility abandonment. Decommissioning shall include the removal of all structures, fencing, and equipment, foundations, footings, and debris to a depth of four (4) feet, as well as restoration of the soil and vegetation. The decommissioning including restoration shall be completed within one (1) year of the end of project life, inoperability of the solar farm or facility abandonment, at the owner's or operator's expense. Extensions may be granted upon written request to the Planning Commission prior to expiration of the one (1) year decommissioning period. The site shall be restored to as natural condition as possible with six (6) months of the removal. A site will be considered decommissioned when, after inspection and approval by the Township, all structures and equipment are removed, and the site is in natural condition. the Decommissioning Plan shall state (a) how the facility will be decommissioned, (b) the Professional Engineer's estimated cost of decommissioning, and (c) the financial resources to be used to accomplish decommissioning.
  - i. The financial resources for decommissioning shall be in the form of a surety bond or letter of credit, which shall be deposited in an escrow account with an escrow agent acceptable to the Township.
  - ii. The Township shall have access to the escrow account funds for the express purpose of completing the decommissioning if decommissioning is not completed by the applicant within one (1) year of the end of project life, inoperability of the solar farm, or facility abandonment, or upon expiration of any extension granted by the Planning Commission. Escrow funds may be used for administrative fees and costs associated with decommissioning.

- iii. The Township is also granted the right to seek and obtain injunctive relief to effect of complete decommissioning, as well as the right to collect reimbursement from applicant or applicant's successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess costs, and to take all steps allowed by law to enforce the lien.
  
- n. Landowner Authorization: The applicant shall provide the following information with respect to the Site:
  - i. A legal description of the Participating Property(ies) on which the Solar Farm will be located.
  - ii. The name, address, and phone number of the applicant, including the name of the authorized representative of the applicant, the owner of all equipment proposed to be installed, and the owner(s) of the Participating Property(ies).
  - iii. Written authorization from the Participating Property owners to seek land use approval for the Solar Farm.
  - iv. A copy of the applicant's letter of intent with any Participating Property owner.
  
- o. Liability Insurance: The applicant shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate and provide proof that it meets the insurance requirement to the Zoning Administrator prior to approval.
  
- p. Review Expenses: In addition to any application fees, an escrow fee may be requested by the Zoning Administrator, Planning Commission or Township Board. The amount of the escrow fee shall be based on an estimate of the Township's expenses and shall be maintained or reestablished until all expenses have been paid in full. The applicant shall be entitled to a refund of any unused escrow fees and shall pay any balance due which exceeds the escrow fees.

**SECTION 7. AMENDMENT OF ARTICLE 7.** The Fulton Township Zoning Ordinance, Article 7, Section 731 shall be amended to delete Subsections 731.A.7 and 8, which defines a "participating parcel" and "non-participating parcel" as such terms are now defined in Article 15, Section 1503.

**SECTION 8. REPEAL.** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.



**SECTION 9. EFFECTIVE DATE.** This Ordinance shall take effect seven days after publication of a notice of adoption of this Ordinance unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

YEAS: 5

NAYS: 0

ABSENT/ABSTAIN: 0

ORDINANCE DECLARED ADOPTED.



Denise Rossman, Township Supervisor

**CERTIFICATION**

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Fulton Township Board at a duly scheduled and noticed meeting of that Township Board held on September 16, 2021, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the Gratiot County Herald newspaper, a newspaper that circulates with Fulton Township, on September 23, 2021.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Gratiot County Clerk on \_\_\_\_\_, 2021.

ATTESTED:

  
Chad Marecek, Township Clerk

**FULTON TOWNSHIP  
NOTICE OF ADOPTION  
ZONING ORDINANCE AMENDMENT**

**Ordinance No. 38**

On September 16, 2021, the Fulton Township Board adopted Ordinance No. 38, which amends the Fulton Township Zoning Ordinance to regulate Solar Energy Systems and Solar Farms.

The Ordinance has the following sections and catch lines: Section 1: which amends Section 1503 of the Zoning Ordinance to amend the definitions of “Participating Parcel,” “Non-Participating Parcel,” “Solar Energy System,” and “Solar Farm”; Section 2: which amends Section 306 of the Zoning Ordinance to add Solar Energy Systems as an accessory use in all zoning districts; Section 3: which amends Section 408 of the Zoning Ordinance to add Solar Farms as a special use in the Agricultural District; Section 4: which amends Section 411 of the Zoning Ordinance to add Solar Farms as a special use in the Industrial District; Section 5: which amends Article 7 of the Zoning Ordinance to add Section 732, which provides for special use requirements of Solar Farms; Section 6: which amends Article 5 of the Zoning Ordinance to add Section 509, which provides for required site plan contents for Solar Farms; Section 7: which deletes Subsections 731.A.7 and 8, which defined “Participating Parcel” and “Non-Participating Parcel” as those terms are now defined in Section 1503 of the Zoning Ordinance; Section 8: Repeal; and Section 9: Effective Date, which is seven days from the publication of this notice.

This ordinance amendment shall become effective seven (7) days after publication of this notice of adoption, unless referendum procedures are initiated under MCL. If referendum procedures are initiated, the ordinance will take effect in accordance with MCL 125.3402.

A copy of the zoning ordinance amendment text may be purchased or inspected during regular business hours or by appointment in the Township Clerk’s office located in the Township Hall at 3425 W. Cleveland Rd., Perrinton, MI 48871.

Chad Marecek,  
Fulton Township Clerk  
(989) 236-5102

Publication Date: September 23, 2021