

ADAMS TOWNSHIP PLANNING COMMISSION

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ADAMS TOWNSHIP BOARD

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The Adams Township Zoning Ordinance

Ordinance No. 6

AN ORDINANCE to establish zoning for Adams Township, Hillsdale County, Michigan, pursuant to the provisions of the Michigan Zoning Enabling Act 110 of 2006, as amended, whereby the conservation of soil, water and other natural resources is encouraged and the use of land for agriculture, forestry, recreation, residence, industry, trade, and such additional uses as may be present, or may occur, within the township, shall be encouraged, regulated or prohibited in accordance with the land use plan of Adams Township.

WHEREAS, Act 110 of 2006, as amended, empowers the township to enact a zoning ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, The Township Board of Adams Township deems it necessary for the purpose of promoting and protecting the health, safety, morals and general welfare of the people of the township to enact such an ordinance; and

WHEREAS, The Township Board, pursuant to the provisions of Act 168, P.A. 1959, as amended, has appointed a Planning Commission to recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein; and

WHEREAS, the Planning Commission has divided the township into districts and has prepared regulations pertaining to such districts in accordance with a basic plan; and

WHEREAS, all requirements of Act 110 of 2006, as amended, with regard to the preparation of this Ordinance and subsequent action of the Township Board have been met;

NOW, THEREFORE BE IT ORDAINED BY THE TOWNSHIP OF ADAMS, HILLSDALE COUNTY, MICHIGAN, AS FOLLOWS:

Chapter 1
Title

1.01 Title

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

Chapter 2 Purpose, Scope, and Legal Basis

2.01 Purpose

This Ordinance is based upon the Adams Township Land Use Plan and is designed (1) to promote the public health, safety, morals, and general welfare; (2) to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; (3) to avoid the overcrowding of population; (4) to provide adequate light and air; (5) to lessen congestion on the public roads and streets; (6) to reduce hazards to life and property; (7) to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements; and (8) to conserve the expenditures of funds for public improvements and services so as to obtain the most advantageous uses of land, resources, and properties. This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, buildings, and population development.

2.02 SCOPE AND INTERPRETATION

This Ordinance shall not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances, or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreements, or with restrictive covenants running with the land to which the township is a part. Where this Ordinance imposes greater restrictions, limitations, or require upon (1) the use of buildings, structures, or land; (2) the height of buildings or structures; (3) lot coverage; (4) lot areas; (5) yards or other open spaces; or (6) any other use or utilization of land than are imposed or required by such existing laws, ordinance, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control. In the case of Mobile home parks, any high standard than imposed by state law must be approved pursuant to Rule 120 of the Mobile Home Commission Rules, 1987, as amended.

2.03 EFFECT OF ZONING

Zoning applies to every building, structure, or use. No building, structure, or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with this Ordinance.

2.04 LEGAL BASIS

This Ordinance is enacted to protect the public health, safety, and general welfare of the residents of Adams Township pursuant to the provisions of the Michigan Zoning Enabling Act 110 of 2006, as amended.

Chapter 3 Definitions

3.01 RULES APPLYING TO THE TEXT

The following listed rules of construction shall apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. With the exception of this chapter, the headings which title a chapter, section or subsection are for convenience only and are not to be considered in any way construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Unless the context clearly indicates to the contrary, (1) words used in the present tense shall include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.
- E. A "building" or "structure" includes any part thereof.
- F. The word "person" includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them as well as a natural person.
- G. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged," "designed to use," "be used," or "occupied."
- H. Any word or term not defined herein shall have the meaning as defined in the Webster's New World Dictionary, the latest edition.

3.02 ACCESSORY USE OR STRUCTURE

A use, building, or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building, or structure. Freestanding satellite dishes and antennas, solar panels, and wind generators shall be considered accessory structures.

3.03 ALTERATIONS STRUCTURAL

Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girder, any substantial change in the roof, or an addition to or diminution of a structure or building.

3.04 AUTOMOBILE REPAIR

- A. Major Automobile Repair: General repair, rebuilding, or reconditioning of engines or vehicles, collision service (including body repair and frame straightening), painting, or upholstery; or vehicle steam cleaning and undercoating, as a business.

- B. Minor Automobile Repair: Minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding (2) two tons capacity; provided, however, there is excluded any repair or work included in the definition of "Major Automobile Repair."

3.05 BASEMENT

A portion of a building, or a portion of a room, located wholly or partially below grade, but not including any part thereof not so located. Basement shall not include an earth-bermed or earth-sheltered home where at least one foundation wall is not below grade and offers an entrance to the home.

3.06 BILLBOARDS AND SIGNS

- A. Billboard: Any structure, including the ^{wall} all of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment which is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed, or fabricated on such land.
- B. Business Sign: Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment conducted on the land where the structure is located or products primarily sold, manufactured, processed, or fabricated on such land.
- C. Real Estate Sign: Any temporary structure used only to advertise with pertinent information of the sale, rental, or leasing of the premises upon which it is located.
- D. Identifying Sign: Any structure on the same premises it identifies which serves only (1) to tell the name or use of any public or semi-public building or recreation space, club, lodge, church, or institution; (2) only to tell the name or address of an apartment house or motel; or (3) only to inform the public as to the use of a parking area.
- E. Name Plate: A structure affixed flat against the wall of a building which serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building.
- F. Home Occupation Sign: A structure on which letters, figures, or pictorial matter is displayed for advertising a home occupation.

3.07 BUILDING

Anything that is constructed or erected having a roof supported by columns, walls, or other supports, which is used for the purpose of housing or storing of persons, animals, or personal property or carrying on business activities or other similar uses.

3.08 BUILDING HEIGHT

A vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs.

3.09 BUILDING SETBACK

The measurement from the road right-of-way line to the nearest point of the main wall of the building or structure. Steps may be located within the building setback. Porches are considered as part of the building or structure and may be located within the building.

3.10 COMMERCIAL RECREATION

Commercial establishments related to recreation activities such as, but not limited to, billiard or pool hall, indoor theater, bowling alley, miniature golf, driving ranges, skating rinks, and video arcades.

3.11 CONFINED FEEDLOT

The place of confined keeping of livestock or other animals in yards, lots, pens, buildings, or other areas not normally used for pasture or crops and in which abnormal amounts of manure or related other animal wastes may originate by reason of keeping of such animals that meets at least one of the following conditions:

- A. Four or more cattle per acre.
- B. Twenty (20) or more swine per acre.
- C. Seven Hundred (700) or more poultry per acre.
- D. Ten (10) or more sheep or goats per acre.

3.12 CONTRACTOR YARDS

An area used for the outdoor storage of building equipment, machinery, vehicles, and supplies including gravel, sand, topsoil, stones, and other similar materials used in the building and construction trade. The definition of contractor yards does not include mineral extraction and processing activities.

3.13 DAY-CARE FACILITY

A facility for the care of children under eighteen (18) years of age, as licensed and regulated by state under Act 116 of the Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

- A. Family Day-Care Home: A private home in which one to six children are received for care and supervision, including those children less than seven (7) years old in the resident family. This number shall not include more than two (2) children less than twelve (12) months old.
- B. Group Day-Care Home: A private home where seven (7) to twelve (12) children are received for care and supervision. This number shall not include more than two (2) children younger than two (2) years old.
- C. Child-Care Center: A facility, other than a private home, where one (1) or more children are received for care and supervision.

3.14 DRIVEWAY

A passage or way serving access to a dwelling that has neither public nor private road frontage. This driveway shall be constructed on an access easement having minimum width of 20 feet.

3.15 DWELLING

Any building or portion thereof which is occupied in whole or in part as a home residence, or sleeping place, either permanently or temporarily, by one or more families, but not including motels, hotels, tourist rooms, or cabins.

- A. Dwelling, Single Family: A building designed for use and occupancy by one family only.
- B. Dwelling, Two-Family: A building designed for use and occupancy by two families living independently of each other.
- C. Dwelling, Multifamily: A Building designed for use and occupancy by three or more families, living independently of each other.

3.16 DWELLING UNIT

A building or portion thereof designed for use or occupancy by one family for living and sleeping purposes with housekeeping facilities.

3.17 FAMILY

One or more persons living together as a single nonprofit housekeeping unit, organized as a single entity in which the member share common kitchen facilities in a domestic relationship based on consanguinity, marriage, adoption, or other domestic bond. This definition does not include any society, association, organization, or any other group whose domestic relationship is of a transitional or seasonal nature or for an anticipated limited duration.

3.18 FARM

A tract of land which is farmed or used for commercial agriculture. A farm may include a farm dwelling and accessory buildings necessary for the storage or housing of farm implements, farm products, or farm animals used for the operation of a farm.

3.19 FARM PRODUCTS

Those plants and animals useful to man and includes, but is not limited to: Forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products; livestock, including breeding and grazing; fruits, vegetables, flowers, seeds, grasses, trees, fish, apiarian, equine, and other similar products; or any other products which incorporates the use of food, feed, fiber, or fur.

3.20 FLOOR AREA

The floor area of all floors of a building or an addition to an existing building. For all buildings, except dwelling units used for dwelling purposes, floor area shall include the basement.

3.21 HOME OCCUPATION

An income generating occupation traditionally or customarily carried on in the home as a use incidental to the use of the home as a dwelling place which conforms to the provisions in Section 4.11

3.22 JUNK

Dilapidated, scrap, or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles, ferrous and non-ferrous materials, and parts thereof.

3.23 JUNK VEHICLES

Motor vehicles that are incapable of being operated under their own power, or motor vehicles from which some part that are ordinarily components thereof have been removed or are missing.

3.24 KENNEL

Any land, building, or structure where four or more cats and/or dogs are boarded, housed, or bred as a business.

3.25 LOT

A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory structures or utilized for a principal use and accessory uses, together with such open spaces as are required by this Ordinance. Lot area may include part of a public right-of-way. In the case of division of land on the basis of condominium ownership (site condominium), "lot" shall also include the portion of the condominium project designed and intended for separate ownership and use as described in the master deed.

- A. Corner Lot: A lot which has at least two contiguous sides abutting upon a street for their full length.
- B. Interior Lot: A lot other than a corner lot.
- C. Through Lot: An interior lot having frontage on two streets which do not intersect at a point contiguous to such lot.

3.26 LOT LINE

The line defines the boundaries of a lot or parcel of land.

- A. Front Lot Line: The line that separates the front yard from the street right-of-way line. In the case of a corner lot or through lot, the lines separating the lot from each road right-of-way.
- B. Rear Lot Line: Lot line which is opposite the front line. In the case of a corner lot, the rear lot line may be opposite either front lot line, but there shall only be one rear lot line. In the case of a lot with side lot lines converging at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than twenty (20') feet long, lying farthest from the lot line and wholly within the lot.
- C. Side Lot Line: Any lot line other than the front lot line or rear lot line.

3.27 MINERAL EXTRACTION AND PROCESSING

The removal and/or processing of topsoil, sand, gravel, or other such minerals.

3.28 MOBILE HOME

A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems in the structure. Mobile home does not include a recreational vehicle.

3.29 MOBILE HOME PARK

A parcel or tract of land upon which three or more mobile homes are located on a continual non-recreational bases which is offered to the public for that purpose regardless of whether a change is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for the occupancy of a mobile home.

3.30 MOTEL

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

3.31 PLANNED UNIT DEVELOPMENT (PUD)

Includes such items as cluster zoning, planned development, community unit plan, and planned residential development and other terminology denoting zoning requirements designed to accomplish the objectives of the zoning ordinance through a land development project review process based on the application of the site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

3.32 PRINCIPAL OR MAIN USE

The primary or predominant use of a lot.

3.33 PUBLIC OR INSTITUTIONAL USES

Churches; accredited public, parochial, or private schools; trade schools or colleges; hospitals and nursing homes; parks, nonprofit recreational uses; libraries; government owned facilities; cemeteries; and fire stations or similar uses providing service necessary to the community.

3.34 RECREATIONAL VEHICLE

A vehicular transportable structure mounted on wheels that is self-propelled or towed by a motor vehicle. A travel trailer is designed to provide temporary living quarters for recreational, camping, or travel use. This definition includes, but is not limited to, portable structure commonly known as: Travel trailers, travel homes, fold down campers, truck mounted campers, converted buses, and fifth wheels.

3.35 RIDING STABLES

A building, fenced-in area, or land used for the public or private boarding, riding, sale, or show of horses.

3.36 ROADSIDE MARKET STAND

A temporary building or structure designed or used for the display and or sale of farm products grown or produced on the premises upon which the stand is located.

3.37 SALVAGE YARDS

Where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including junk vehicles, used building materials, structural materials, and equipment and other manufactured goods that are worn, deteriorated, or obsolete.

3.38 SIGNS

See "Billboards and Signs,"

3.39 SITE CONDOMINIUM SUBDIVISIONS

The division of land on the basis of condominium ownership whereby a master deed is required in accordance with the Condominium Act, Act 59 of 1978, as amended.

3.40 STATE LICENSED RESIDENTIAL FACILITY

Refer to Michigan Zoning Enabling Act 110 of 2006, Article 125.3206.

3.41 STREET

A publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, land, boulevard, highway, road, or other thoroughfare, except an alley. A street may also include a private road as approved pursuant to Section 4.15 of this Ordinance.

3.42 STRUCTURE

Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including but not limited to: Buildings, sign, billboards, antennas, towers, swimming pools, parking areas, and sheds.

3.43 VEHICLE

Any device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices propelled by human power or used exclusively upon stationary rails or tracks.

3.44 YARD

A required upon space unoccupied and unobstructed by any principal building.

A. Front Yard: A yard extending across the full width of the lot, the depth of which is the distance between the street right-of-way line and the nearest point of the main building.

B. Rear Yard: A yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and the nearest point of the main building.

C. Side Yard: A yard between a main building and the side lot line, extending from the front of the main building to the rear of the main building. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest part of the main building.

Chapter 4 General Provisions

4.01 ACCESS TO A STREET

Any lot of record created after the effective date of this Ordinance shall have frontage on a street for a distance equal to the minimum lot width requirement of the district it is located in or shall be a lot developed with an access drive or easement having a minimum width of 20 feet. In the case of a lot abutting on a cul-de-sac, the frontage on a street shall be a minimum of thirty (30') feet provided that the lot width at the building setback shall meet the lot width requirements of the district it is located in.

4.02 ACCESSORY BUILDINGS OR STRUCTURES

- A. In any zoning district, an accessory building or structure may be erected detached from the permitted principal building or as an integral part of the permitted principal building. When erected as an integral part of the permitted principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building.
- B. Detached accessory buildings or structures shall not be located closer than five (5') feet to the rear lot line or closer than ten (10') feet to the side lot line. They shall not be located closer to the front lot line than the principal building is permitted.
- C. A parcel of land abutting a water way (Lake, pond, and stream) in all DISTRICTS may be allowed a permanent structure (dock, landing) for the purpose of docking or mooring watercrafts. Built to the water's edge and may cantilever over the water. Not to exceed two feet in height from ground level.
- D. The distance between a detached accessory building and any principal building shall not be less than ten (10') feet. Accessory buildings shall be considered as attached to a principal building when the distance between the two buildings is solidly covered by a breezeway, portico, covered colonnade, or similar architectural device.
- E. No accessory building or structure shall include residential or living quarters for human beings, except as permitted in Section 4.03.
- F. No vehicle can be used as an accessory building or structure and may not be used for storage.

4.03 ACCESSORY DWELLINGS

Accessory dwellings for the use of individuals requiring special care due to age, illness, or disability shall be permitted provided the following conditions are met:

- A. The lot has a principal single-family dwelling located upon it.
- B. The lot meets the lot size and width regulations of the zoning district it is located in.
- C. The accessory dwelling is not located within the front setback area and is not closer than ten (10') feet to any other lot line.
- D. A certification signed by a licensed physician shall be presented to the Township Clerk stating that the need is present.

- E. The proposed accessory dwelling shall meet the provisions of Section 4.07D, 4.07E, 4.07F, and 4.07G.
- F. After the occupancy ceases, the accessory dwelling shall cease being used as a residence and in the case of a mobile home shall be removed within (90) ninety-days.

4.04 ACCESSORY USES

In any zoning district, accessory uses incidental to a permitted principal use are permitted when located on the same lot.

4.05 BASEMENT DWELLINGS

The use of any basement as a residence or dwelling unit is prohibited in all districts. The temporary use of a basement during construction work may be authorized by permit by the zoning administrator after issuance of a building permit for the proposed structure. The temporary permit shall terminate twelve (12) months after the date of its issuance. The zoning administrator may renew the permit for one (1) additional twelve (12) month period if construction of the principal structure has been progressing in a reasonable manner.

4.06 DOUBLE-FRONTAGE LOTS

Buildings on lots having frontage on two (2) or more streets shall comply with front yard requirements on all such streets.

4.07 DWELLING UNITS

All dwelling units located outside of a mobile home park shall comply with the following conditions:

- A. All Dwelling units shall meet the heights and area requirements of the district in which it is located.
- B. Each single- and two-family dwelling unit shall have a minimum of seven hundred & twenty (720) square feet of floor area in (A-R) agricultural-residential and (R-R) rural-residential districts, and eight hundred (800) square feet of floor area in residential districts.
- C. All wheels, towing mechanisms, and tongues of mobile homes shall be removed and none of the undercarriage shall be visible from outside the mobile home.
- D. Exterior building materials of all dwelling units shall extend to the foundation on all sides.
- E. All dwellings shall be firmly attached to the foundation so as to be watertight as required by the construction code adopted by the township, or, if a mobile home shall be anchored to the foundation, by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards."
- F. All additions to dwellings shall meet all of the requirements of this Ordinance.
- G. All Mobile homes must meet standards for mobile home construction as contained in the United State Department of Housing and Urban Development (HUD) Regulations entitled "Mobile Home Construction and Safety Standards" effective June 15, 1976, as

amended. All other dwellings shall meet the requirement of the construction code adopted by the Township. Mobile homes cannot be used for anything other than human habitation.

4.08 ESSENTIAL SERVICES

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

4.09 HEALTH DEPARTMENT APPROVAL

No permit shall be issued for the construction of a building to be located on a lot which is not served by both public water and sewer facilities if its water supply and/or sewage disposal facilities are not authorized by the Hillsdale County Health Department.

4.10 HEIGHT EXCEPTIONS

The following buildings and structures shall be exempt from height regulations in all zoning districts: Parapet walls not exceeding four (4') feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, storage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, and television and radio reception and transmission antennas and towers which are controlled by the FCC.

4.11 HOME OCCUPATION REQUIREMENTS

All home occupations shall meet all of the following conditions:

- A. Home occupations shall only be located in "A-R" "R-R" or "R" Districts.
- B. The home occupation may be operated in its entirety within the principal dwelling or accessory building or located upon the same lot as the principal dwelling.
- C. Any outdoor activities or storage shall not be located within the required front yard setback or within twenty (20') feet of any property line. Such activities and storage shall be fenced on all sides for safety purposes by a fence between four (4') feet and six (6') feet in height. Appropriate screening as determined by the zoning administrator (fence, wall, or planted material) shall be required to obscure vision from adjacent roadways or dwelling within one hundred (100') feet.
- D. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- E. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one non-illuminated nameplate mounted flat against the wall of the main building, not to exceed four (4) square feet in area, or a home occupation sign located no closer than 10 feet from the road right of way. Also, see Chapter 3.06 and Chapter 13.03 B

- F. The occupation shall not involve any alteration or construction not customarily found in dwellings.
- G. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fume, odors, or electrical interference detectable to the normal senses off the premises.

4.12 JUNK, STORAGE OF

- A. The storage of junk shall be permitted in all districts provided it is located within a completely enclosed structure.
- B. The outdoor storage of junk shall be prohibited in the R-District.
- C. The outdoor storage of junk solely for the personal use of the occupants residing on the premises shall be permitted in the "R-R" and "A-R" Districts provided that it is not stored within the required front yard setback or within thirty (30') feet of any property lines. Such storage shall be fenced on all sides for safety purposes by a fence between four (4') and six (6') feet in height. Appropriate screening as determined by the zoning administrator (fence, wall, or planted material) shall be required to obscure vision from adjacent roadways or adjacent property.

4.13 JUNK VEHICLES, STORAGE OF

- A. Not more than one inoperable vehicle shall be permitted on any lot in an "R" District unless located within a completely enclosed structure.
- B. In "A-R" and "R-R" Districts, no inoperable vehicle shall be located within the front yard setback or within 30 feet of any property line. On any lot containing two (2) or more inoperable vehicles, vehicles shall be housed or have appropriate screening as determined by the zoning administrator (fence, wall, or planted material). Appropriate screening as determined by the zoning administrator (fence, wall, or planted material) shall be required to obscure vision from adjacent properties. Such storage shall be for the personal use of the occupants residing on the premises.

4.14 PRINCIPAL BUILDING ON A LOT

- A. In all districts, no more than one principal building shall be placed on a lot.
- B. Housing located on the same lot as a principal dwelling for individuals requiring special care due to age, illness, or disability shall be considered an accessory dwelling and is regulated in Section 4.03.

4.15 PRIVATE ROADS

- A. Private roads shall include all nonpublic roads providing access to two (2) or more dwelling units.
 - 1. Private roads serving two dwellings shall be a minimum twelve feet (12') in width with a thirty-three foot (33') easement. A six inch (6") gravel base shall be required and a twelve inch (12") sand base shall be required in impervious soils. Compliance with item C and F is also required.

2. Private roads serving three (3) or four (4) dwellings shall be a minimum eighteen feet (18') in width with a thirty-three foot (33') easement. A six inch (6") gravel base shall be required and a twelve inch (12") sand base shall be required in impervious soils. Compliance with item C and F is also required.
 3. Private roads serving five (5) or more dwellings shall meet the higher standards of the process in Items B, C, D, E, F and G.
- B. The owner shall submit an application for a preliminary private road permit, together with the application review fee, to the township clerk. The application package shall include detailed construction plans, a detailed description of how the road will be operated and maintained, and how the cost of operation and maintenance will be apportioned and paid for by the benefiting property owners. An architect, engineer, or other persons will be consulted if deemed necessary. The applicant shall pay all costs incurred by the township in reviewing the application materials.
 - C. If the application materials meet the requirements of this section, the township clerk shall issue a preliminary private road permit to the owner upon payment of the construction review fee. No construction shall begin on the private road or on adjacent properties which depend on the private road for access until the preliminary private road permit has been issued.
 - D. Construction plans showing the proposed location, adjacent properties, proposed street grades, drainage, and proposed improvements shall be prepared by a registered engineer or registered land surveyor and shall be submitted to the township clerk as part of the preliminary private road permit application.
 - E. Upon completion of construction, the owner shall submit a certification signed by a registered engineer that the road has been completed in accordance with the approved site plan and construction plan. The owner shall correct any deficiencies identified. Upon final review and approval of the completed private road improvement, the township clerk shall issue a final private road permit to the owner. Building permits for construction on properties served by the private road shall not be issued until the final private road permit has been issued.
 - F. Maintenance, repair, and liability for private roads shall be the responsibility of property owners served by the private road and not the responsibility or liability of the township. The developer or homeowners shall establish by appropriate deed provisions an association which shall be responsible for road maintenance and repair and which shall have the authority to apportion and collect the cost of maintenance and repair from benefiting property owners.
 - G. The construction of the roadway shall conform to Hillsdale County Road Commission "Minimum specifications for construction of county roads and streets," October 19, 1990, as amended, provided a six (6") inch gravel base shall be required and a twelve (12") inch sand subbase shall be required in impervious soils; provided further that a bituminous surface shall not be required.

4.16 SCREENING PROVISIONS

All required screening referred to in this section shall meet the following provisions:

- A. Screening shall not extend into or be located within any portion of an existing street right-of-way.
- B. Existing plant materials, fences, or walls may be counted as contributing to the screening requirement.

- C. The following table shows the minimum height or minimum caliper for each plant unit category at the time of planting:

<u>PLANT UNIT CATEGORY</u>	<u>MINIMUM SIZE</u>
Evergreen trees such as juniper, fir, spruce hemlock, pine and Douglas fir	five feet (5') in height
Narrow evergreens such as cypress, juniper, red cedar, yew, and arborvitae	four feet (4') in height
Shrubs such as honeysuckle, lilac, cottoneaster, euonymus, buckthorn, viburnum, forsythia, ninebark, hazelnut, privet, sumac, and holly	four feet (4') in height
Small trees such as flowering crab, mountain ash, redbud, hornbeam, magnolia, russian olive, dogwood, rose of sharon, and hawthorn.	Two inch (2") caliper
Deciduous trees such as oak, sycamore, sweet gum, linden, red maple, beech, and honey locust.	Two & 1/2 inch (2 1/2) caliper

- D. All required plant units shall be maintained in a healthy, growing condition. Any required plant units that are destroyed, removed, diseased, or that die shall be replaced within six months with plant units that meet the requirements of this section.

- E. The following trees are not permitted for new planting for required screening:

Box elder
 Silver maples
 Elms
 Aspen
 Cottonwood
 Willows
 Horse chestnut (nut bearing)
 Tree of heaven
 Catalpa
 Female ginkgo

- F. All required fences and walls shall be constructed of weather resistant, rust proofed, and easily maintained materials

4.17 SITE CONDOMINIUM SUBDIVISIONS

Pursuant to the authority of Section 141 of the Condominium Act, Public Act 59 of 1978, as amended, all site condominium subdivisions shall meet the following requirements and procedures:

- A. All site condominium subdivisions shall require site plan approval by the Planning Commission in accordance with Chapter 17 of this Ordinance. In addition to the information required in Section 17.03 of this Ordinance, the following information shall also be included for site plan review:
 1. A condominium subdivision plan as required in Section 66 of the Condominium Act.
 2. All information as required in the Adams Township Subdivision Regulations, as amended, if any.
 3. Documented proof of review by the Hillsdale County Road Commission, Drain Commissioner, Health Department, Michigan Department of Transportation, and the Michigan Department of Natural Resources.
- B. All site condominium subdivisions shall meet the requirements of the zoning district in which it is located, including minimum lot size, minimum setbacks, and minimum floor area.
- C. All site condominium subdivisions shall meet the subdivisions design standards and subdivision improvement requirements of the Adams Township Subdivision Regulations, as amended, if any.
- D. The Adams Township clerk shall be furnished with a copy of the recorded master deed, as defined in Section 8 of the Condominium Act. The master deed must ensure that Adams Township will not be responsible for maintenance or liability of the nondedicated portions of the subdivision, that all private roads will be properly maintained, that snow removal will be provided, and that there is adequate access and turnaround for emergency vehicles. Responsibility for the maintenance of stormwater retention areas, drainage easements, drainage structures, lawn cutting, and other general maintenance of common areas must be clearly stated.
- E. The zoning administrator shall be furnished with two (2) copies of all "as-built" drawings for review by the township engineer for compliance with all township ordinances prior to the issuance of any building permits. Fees for this review shall be established by the Township Board.

4.18 TEMPORARY STRUCTURES INCIDENTAL TO CONSTRUCTION WORK

Temporary accessory structures for uses incidental to construction work may be authorized by permit by the zoning administrator after issuance of a building permit for the proposed structure. The temporary permit shall specify the location of the temporary accessory structure and shall terminate twelve (12) months after the date of its issuance. The zoning administrator may renew the permit one (1) additional twelve (12) month period if construction of the principal structure has been progressing in a reasonable manner.

CHAPTER 5
NONCONFORMING USES, BUILDINGS OR STRUCTURES, AND LOTS

5.04 NONCONFORMING USES

Except where specifically provided to the contrary, and subject to the provisions of this chapter, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this Ordinance or amendments thereto, may be continued although such use does not conform with the provisions of this Ordinance or any amendments thereto,

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. No such nonconforming use shall be moved in whole or in part of any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. Any nonconforming use may be extended throughout any parts of a building designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- D. No existing structure devoted to a use not permitted in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered unless it is changed to a use permitted in the district in which it is located.

5.02 NONCONFORMING BUILDINGS OR STRUCTURES

Except where specifically provided to the contrary and subject to the provisions of this chapter, a building or structure which is existing and lawful on the effective date of this Ordinance or amendments thereto, may be maintained and continued although such building or structure does not conform with the provisions of this Ordinance or any amendments thereto.

- A. No such structure may be enlarged or altered in a way which increases its nonconformity.
- B. Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- C. Where two (2) or more legal nonconforming dwellings are located on one lot, on July 8, 1991, as determined by the zoning administrator, or dwelling may be removed or replaced if the following conditions are met:
 - 1. All requirements of Section 4.07 shall be met for the replacement dwelling.
 - 2. The replacement dwelling is erected within one (1) year of removal of the original dwelling.
 - 3. The replacement dwelling shall not be located closer to any property lines than the original dwelling or twenty (20') feet, whichever is greater.

4. The replacement dwelling shall not be located closer to any other building than ten (10') feet.
5. The property owner shows proof of authorization from the Hillsdale County Health Department regarding the sites water supply and sewage disposal facilities.

5.03 NONCONFORMING LOTS

- A. If a lot which is platted or otherwise of record as of the effective date of this Ordinance does not comply with the area and/or width requirements of its zoning district, then such lot may be used as authorized by the Planning Commission as a special land use pursuant to the general standards and procedures specified in Chapter 14. However, a lot which is platted or otherwise of record as of the effective date of this Ordinance may be used without authorization from the Planning Commission as a special land use if the following conditions are met:
 4. Lot has a minimum lot area of nine (9,000') square feet.
 5. The minimum side yard shall be ten (10%) percent of the lot width or six (6') feet, whichever is greater.
 6. The minimum lot width shall not be less than fifty (50') feet.
 7. The depth of the rear yard shall not be less than twenty-five (25') feet.
 8. The depth of the front yard shall not be less than twenty-five (25') feet.
- B. Where two (2) or more non-complying lots are adjacent to each other and in common ownership, such lots shall be combined so that the lot or lots created by this combination comply with the minimum requirements of this Ordinance

5.04 CHANGE OF NONCONFORMING USE

A nonconforming use may be changed to another nonconforming use as a special land use if the Planning Commission finds that such new use would decrease the degree of nonconformance and would not adversely affect adjacent property owners of the township for reasons of health, safety, or general welfare. Whenever a nonconforming use is changed to a more conforming use, such use shall not thereafter revert to the prior nonconforming use.

5.05 DISCONTINUANCE

If a nonconforming use is discontinued for a period of one year or more, it may not thereafter be continued and considered abandoned. No nonconforming use, if changed to a use permitted in the district in which it is located, shall be resumed or changed back to a nonconforming use.

5.06 RESTORATION AND REPAIR

- A. Only repairs and maintenance work required to keep a nonconforming structure in sound condition may be made
- B. A nonconforming structure or use damaged by the elements, public enemy, or other casualty may be rebuilt or restored to its size prior to such damage and its use resumed if the cost of such restoration and repair does not exceed seventy-five percent of the replacement cost of the building or use which was damaged. The restoration or repair must be completed within one year or the structure will be considered abandoned. The zoning administrator shall make such determination.

C. No nonconforming structure shall be rebuilt and its use resumed if the cost thereof exceeds the formula established in Paragraph B unless the Board of Appeals has made the following determinations:

1. The circumstances are such that the lot previously occupied by such nonconforming use cannot be advantageously used for a use permitted in the district in which it is situated.
2. Reconstruction of the structure or use and its resumption will not adversely affect adjacent properties or the township for reasons of health, safety, or general welfare.

5.07 BUILDING OR STRUCTURE UNDER CONSTRUCTION

Any building or structure shall be considered existing and lawful, and, for the purposes of Section 5.02, to have been in use for the purpose for which constructed if on the effective date of this Ordinance a building permit has been obtained therefore, if an effort has been made toward construction and construction is completed within a twelve month (12) period.

Chapter 6

Zoning District Regulations

6.01 ESTABLISH OF ZONING DISTRICTS

The Township of Adams is hereby divided into the following zoning districts:

- "A-R" – Agricultural-Residential District
- "R-R" – Rural-Residential District
- "R" – Residential District
- "C" – Commercial District
- "I" – Industrial District

6.02 AUTHORITY OF OFFICIAL ZONING MAP

The locations and boundaries of the zoning districts are hereby established as shown on a map, as the same may be amended from time to time, entitled "The Zoning Map of Adams Township, Hillsdale County, Michigan," which accompanies and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply:

- A. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following shorelines, lake, or stream beds shall be construed as following such shorelines, lake, or stream beds. In the event of change in the location of shorelines, lake, or stream bed, boundaries shall be construed as moving with the shoreline, lake or stream bed.
- D. Boundaries indicated as approximately following township boundaries shall be construed as following township boundaries.
- E. Boundaries indicated as approximately following property lines, section lines, or other lines of a government survey shall be construed as following such property lines, section lines, or other lines of government survey as they exist as of the effective date of this Ordinance or applicable amendments thereto.

6.03 IDENTIFICATION OF OFFICIAL ZONING MAP

The official zoning map shall be identified by the signature of the township supervisor, attested by the township clerk, and bear the following words: "This is to certify that this is the official zoning map referred to in the Adams Township Zoning Ordinance of (date)," together with the effective date of this Ordinance.

6.04 CHANGES TO OFFICIAL ZONING MAP

If, in accordance with the procedure of this Ordinance and of Act 110 of 2006, as amended, a change is made in a zoning district boundary, such change shall be entered on the official zoning map by the township supervisor promptly after the amendment authorizing such change shall have

been adopted and published, with an entry on the official map as follows: "On (date) by official action of the Township Board, the following change(s) were made in the official zoning map:" (brief description of change), which shall be signed by the township supervisor and attested by the township clerk. No change in the official zoning map of any other nature shall be made unless authorized by the Township Board and then only by the township supervisor.

6.05 REPLACEMENT OF OFFICIAL ZONING MAP

In event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes made thereto, the Township Board may, by ordinance, adopt a new official zoning map which shall supercede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions on the prior official zoning map, but no such correction shall have the effect of amending the zoning ordinance or the prior official zoning map. The new official zoning map shall be identified by the signature of the township supervisor, attested by the township clerk, and bear the following words: "This is to certify that this is the official zoning map referred to in the zoning ordinance of Adams Township, adopted on (date) which replaces and supercedes the official zoning map which was adopted on (date)."

The use of land and buildings in all zoning districts in the township shall meet the area, depth, frontage, setback, and height regulations of the following table:

Zone	Zoning District	Minimum Lot Area (7)	Lot Depth (1)	Lot Width	Front Yard	Each Side Yard	Rear Yard (2)	Height (5)
A-R	Agricultural-Residential	2 acres	---	200 ft.	40 ft.	25 ft.	35 ft.	35 ft.
R-R	Rural-Residential	1 acre	---	150 ft.	40 ft.	20 ft.	35 ft.	35 ft.
R	Residential							
	Single Family Dwelling with Public Sewer	12,000 sq. ft.	---	80 ft.	40 ft.	10 ft.	25 ft.	35 ft.
	Single or Two Family Dwelling Without Public Sewer	40,000 sq. ft.	---	120 ft.	40 ft.	20 ft.	35 ft.	35 ft.
	Two-Family Dwellings (public sewer shall be required)	20,000 sq. ft.	---	100 ft.	40 ft.	20 ft.	30 ft.	35 ft.
	Multifamily Dwellings (public sewer shall be required if available)	40,000 sq. ft. (6)	---	120 ft.	40 ft.	50 ft.	50 ft.	35 ft.
C	Commercial	12,000 sq. ft.	---	85 ft.	20 ft.	10 ft. (3)	10 ft. (3)	35 ft.
I	Industrial	15,000 sq. ft.	---	100 ft.	30 ft.	10 ft. (4)	20 ft. (4)	35 ft.

* Footnotes are an integral component of this section and shall be read in conjunction with the above table.

Footnotes to the Schedule of District Regulations

- (1) The depth of the lot shall not exceed four times the lot width as measured at the building setback.
- (2) In the case of lakefront lots, the rear yard (yard toward the lake) shall not be less than 40 feet.
- (3)
 - a. Where the side of a lot abuts upon a lot in any "A-R," "R-R" or "R" District, each side yard shall be not less than 50 feet.
 - b. Where the rear of a lot abuts upon a lot in any "A-R," "R-R," or "R" District, there shall be a rear yard of not less than 50 feet.
- (4)
 - a. Where the side of a lot abuts upon a lot in any "A-R," "R-R," or "R" District, there shall be a side yard of not less than 75 feet.
 - b. Where the rear yard of a lot abuts upon a lot in any "A-R," "R-R," or "R" District, there shall be a rear yard of not less than 75 feet.
- (5) Refer to Section 4.10 for exceptions to height requirements.
- (6) A minimum of 5,000 square feet of additional lot area shall be provided for each dwelling unit in excess of three (3) units
- (7) See definition of a lot (chapter 3) 3.24.

Chapter 7

“A-R” Agricultural-Residential District

7.01 DESCRIPTION AND PURPOSE

This zoning district is intended for customary agricultural activities and rural residential homes. The intent of this district is to maintain the agricultural and rural character of the community with large lots and low density uses. It is designed for a mix of low density residential uses and agricultural and forest lands.

This district is intended to provide protection to agricultural and environmentally sensitive areas from encroachment of unplanned development which could create land use conflicts and environmental degradation and which could create a premature demand for community services. This district also provides for the establishment of uses which require large land areas which, because of their nature, should best be located in rural areas.

This district is not intended to be served by public sanitary sewer and water system. Large lot sizes should be required to protect ground and surface waters from onsite septic systems and to maintain the rural character of the township.

7.02 PERMITTED LAND USES

The following uses of land and buildings are permitted by right within the “A-R” District:

- A. Family and group day-care centers.
- B. Farms, greenhouses, nurseries, orchards, vineyards, tree farms, and apiaries.
- C. Home Occupations.
- D. Kennels.
- E. Riding stables.
- F. Roadside market stands.
- G. Signs, as permitted in Chapter 13.
- H. Single-family dwellings.

7.03 SPECIAL LAND USES

The following uses of land and buildings may be permitted upon obtaining a special land use approval permit pursuant to Chapter 14:

- A. Aircraft facilities.
- B. Confined feedlots.
- C. Golf course and country clubs.
- D. Mineral extraction and processing.

- E. Public or institutional uses.
- F. State licensed residential facilities.
- G. Light industrial manufacturing.
- H. Commercial operations.
- I. Wireless Communications Facilities.
- J. Two Family Dwellings
- K. Planned Unit Development

7.04 HEIGHT AND AREA REGULATIONS

The use of land and buildings within this district shall meet all regulations of Section 6.06

7.05 PARKING REQUIREMENTS

All uses permitted in this district shall meet the off-street parking requirements of Chapter 12.

Chapter 8 "R-R" Rural-Residential District

8.01 DESCRIPTION AND PURPOSE

This zoning district is intended for low-density, single-family residential dwellings. Large lot sizes are required to allow for onsite sewage treatment to protect ground and surface waters and to preserve the rural character of the township. Agricultural activities are permitted as an important component of this district. This district is not intended to be served by public sanitary sewer and water.

8.02 PERMITTED LAND USES

The following uses of land and buildings are permitted by right within the "R-R" District:

- A. Family and group day-care centers.
- B. Farms, greenhouses, nurseries, orchards, vineyards, trees farms, and apiaries.
- C. Home occupations.
- D. Riding stables.
- E. Roadside market stands.
- F. Signs, as permitted in Chapter 13.
- G. Single-family dwellings.

8.03 SPECIAL LAND USES

The following uses of land and buildings may be permitted upon obtaining a special land use permit pursuant to Chapter 14:

- A. Aircraft facilities.
- B. Golf course and country clubs.
- C. Mineral extraction and processing.
- D. Public or institutional uses.
- E. State licensed residential facilities.
- F. Light industrial manufacturing.
- G. Commercial operations.
- H. Kennels
- I. Wireless Communication Facilities
- J. Two Family Dwellings
- K. Planned Unit Development

8.04 HEIGHT AND AREA REGULATIONS

The use of land and buildings in this district shall meet all regulations of Section 6.06.

8.05 PARKING REQUIREMENTS

All uses permitted in this district shall meet the off-street parking requirements of Chapter 12.

Chapter 9

“R” Residential District

9.01 DESCRIPTION AND PURPOSE

This zoning district is intended for higher-density residential dwellings and related uses. This district may serve as a transition area between nonresidential districts and lower-density residential districts. It is located in close proximity to necessary goods and services. This district is intended for complete public services such as public sewer and water.

9.02 PERMITTED LAND USES

The following uses of land and buildings are permitted by right in the “R” District:

- A. Family and group day-care centers.
- B. Home occupations.
- C. Single-family dwellings.
- D. Signs, as permitted in Chapter 13.
- E. Two-family dwellings (public sewer and water shall be provided if available).

9.03 SPECIAL LAND USES

The following uses of land and buildings may be permitted upon obtaining a special land use permit pursuant to Chapter 14:

- A. Mobile home parks (public sewer and water shall be provided if available).
- B. Multifamily dwellings (public sewer and water shall be provided if available).
- C. Public or institutional uses.
- D. Planned Unit Development

9.04 HEIGHT AND AREA REGULATIONS

The use of land and buildings in this district shall meet all regulations of Section 6.06.

9.05 PARKING REQUIREMENTS

All uses permitted in this district shall meet the off-street parking requirements of Chapter 12.

Chapter 10 "C" Commercial District

10.01 DESCRIPTION AND PURPOSE

This zoning district is intended for retail businesses or service establishments which supply commodities or perform services which meet the daily needs of the township with a minimal impact on adjacent residential development. In order to promote a sound business environment, uses which could create hazards, offensive or loud noises, vibration, smoke, glare, or heavy truck traffic are not permitted.

10.02 PERMITTED LAND USES

The following uses of land and buildings are permitted by right within the "C" District:

- A. Generally recognized retail businesses whose principal activity is the sale or rental of merchandise in an enclosed building.
- B. Personal service establishments which perform services on the premises, such as. But not limited to: Repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors or barber shops, health clubs, photographic studios, self-service laundries, and dry cleaners.
- C. Banks, credit unions, and savings and loan associations.
- D. Car Washes.
- E. Child care centers.
- F. Commercial recreation establishments.
- G. Dental and medical clinics.
- H. Funeral homes.
- I. Lumber yards.
- J. Mini warehouse operations.
- K. Motels.
- L. Nursery establishments.
- M. Offices.
- N. Oil Changes establishments.
- O. Restaurants or other places serving food or beverages.
- P. Service stations including minor auto repairs. All tires, auto parts, and bodies must be removed or kept under cover in an enclosed building.

Q. Signs, as permitted in Chapter 13.

R. Vehicle sales.

S. Wholesale sales.

10.03 SPECIAL LAND USES

The following uses of land and buildings may be permitted upon obtaining a special land use permit pursuant to Chapter 14:

A. Public or institutional uses.

B. Wireless Communications Facilities.

10.04 HEIGHT AND AREA REGULATIONS

The use of land and buildings in this district shall meet all regulations of Section 6.06.

10.05 SCREENING PROVISIONS

A fence, wall, or planted material as approved by the Planning Commission and meeting the requirements of Section 4.16 shall be provided along all side and rear yards abutting a property line in any "A-R", "R-R", or "R" District.

10.06 PARKING REQUIREMENTS

All uses permitted in this district shall meet the off-street parking requirements of Chapter 12.

10.07 SITE PLAN REVIEW

All proposed uses and structures shall be subject to the review and approval of a site plan in accordance with Chapter 17.

Chapter 11
"I" Industrial District

11.01 DESCRIPTION AND PURPOSE

This zoning district is intended for general industrial activities, such as compounding, assembling, or treatment of articles or materials, light manufacturing, processing of raw materials, and other similar industrial uses. Uses permitted shall be free from danger of fire, explosions, toxic and noxious matter, radiation and other hazards, and from offensive noise, vibration, smoke, odor, and other objectionable influences. Residential and commercial uses are determined to be incompatible with the industrial character of this district and are therefore not permitted,

11.02 PERMITTED LAND USES

The following uses of land and buildings are permitted by right within the "I" District.

- A. The light industrial manufacturing, compounding, processing, packaging, or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceutical, toiletries, and food products, except the rendering or refining of fats and oils.
- B. The light industrial manufacturing, compounding, assembly, or treatment of articles from the following previously prepared materials: Aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semiprecious metals or stones, shell, rubber, tin, iron, steel, tobacco, wood, and yarn
- C. Auto body repair and paint shops, including major automobile repair.
- D. Contractor yards.
- E. Lumber yards.
- F. Printing and publishing shops.
- G. Research establishments and experimental laboratories.
- H. Signs, as permitted in Chapter 13.
- I. Warehouses, storage, and trucking facilities.
- J. Wholesale sales.

11.03 SPECIAL LAND USES

The following uses of land and buildings may be permitted upon obtaining a special land use permit pursuant to Chapter 14:

- A. Aircraft facilities.
- B. Public or institutional uses
- C. Salvage yards.
- D. Heavy industrial manufacturing.
- E. Wireless Communications Facilities.

11.04 HEIGHT AND AREA REGULATIONS

The use of land and buildings in this district shall meet all regulations of section 6.06

11.05 SCREENING PROVISIONS

A fence, wall, or planted material as approved by the Planning Commission and meeting the requirements of Section 4.16 shall be provided along all side and rear yards abutting a property line in any "A-R," "R-R" or "R" district.

11.06 PARKING REQUIREMENTS

All uses permitted in this district shall meet the off-street parking requirements of Chapter 12.

11.07 SITE PLAN REVIEW

All proposed uses and structures shall be subject to the review and approval of a site plan in accordance with Chapter 17.

11.08 ADDITIONAL REGULATIONS

All uses shall be conducted within a completely enclosed building or within an area enclosed on all sides by a solid noncombustible fence or wall at least six (6') feet in height; provided that no goods, materials, or objects shall be stacked higher than the fence or wall. No outdoor storage or processing shall be located in the required front-yard setback.

Chapter 12 Parking and Loading Requirements

12.01 SCOPE

In all zoning districts, off-street facilities for the parking of vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or extended after the effective date of this Ordinance shall be provided as herein prescribed.

12.02 MEASUREMENT UNITS

For the purpose of determining the off-street parking and loading facilities required as accessory to a use, definitions and standards are established as follows:

- A. Off-street parking area shall mean an open or enclosed area directly accessible from a public or private street for parking of automobiles of owners, occupants, employees, customer, or tenants of the main use. Each space shall be directly accessible from a drive or aisle.
- B. Usable floor area shall mean the total area of all the floors of the building used by principal activities measured from the exterior faces of the building. The areas used for storage, mechanical equipment, stairwells, or otherwise not occupied by people shall be excluded from the usable floor area calculations.
- C. Gross floor area shall mean the total floor area used for the main and accessory activities and storage areas of the building served.

12.03 SCHEDULE OF PARKING REQUIREMENTS

The zoning administrator shall determine the minimum number of spaces required for accessory off-street parking by applying the Schedule of Parking Requirements and any other applicable provisions of this Ordinance. Where the computation results in a fractional space, it shall be counted as one additional space required. The Planning Commission may vary the parking requirements of this section where it finds that due to the nature of the particular use, said requirements will not be adequate to provide sufficient parking or where the strict application of the requirements will result in an excess amount of parking related to the particular use.

SCHEDULE OF PARKING REQUIREMENTS

USE	MINIMUM PARKING SPACES REQUIRED
(1) Single-family, two family, and multifamily dwellings	Two (2) for each dwelling unit
(2) Professional offices and buildings	One (1) for each two hundred square feet (200 sq ft) of usable floor area
(3) Restaurants	One (1) for each two (2) seats plus one (1) for each employee
(4) Motels	One (1) for each sleeping room
(5) Car Wash, oil change	Three (3) for each stall plus one (1) for each employee
(6) Beauty parlor or barber shop	Three (3) for each two (2) chairs.
(7) Service station	Two (2) for each stall plus one (1) for each gasoline pump
(8) Retail stores, grocery stores, personal service shop	One (1) for each one hundred & fifty square feet (150 sq ft) of usable floor area plus one (1) for each employee
(9) Manufacturing, processing, or fabricating	One (1) for each employee on the premises
(10) Warehousing and storage buildings	One (1) for each employee or one (1) for each one thousand seven hundred square feet (1,700 sq ft) of gross floor area, whichever is greater

12.04 USES NOT SPECIFICALLY MENTIONED

In the case of uses not specifically mentioned, those provisions for off-street parking facilities for a use which is mentioned and to which said use is similar in terms of parking demand shall apply as determined by the Planning Commission.

12.05 JOINT USE OF FACILITIES

Provision of common parking areas for several uses in the same vicinity is encouraged. In such cases, the total space requirements are the sum of the maximum individual requirements. In cases where the hours of operation are significantly different between two or more uses, a reduction in the total space requirements may be permitted by the Planning Commission.

12.06 SIZE OF PARKING SPACE

Each off-street parking space shall have an area of not less than 180 square feet (exclusive of access drives or aisles) and shall be a minimum of ten (10') feet in width.

12.07 REQUIREMENTS OF PARKING AREAS

Every parking area containing six (6) or more spaces shall require site plan review in accordance with Chapter 17 and be developed and maintained in accordance with the following requirements.

- A. The parking area shall be effectively screened by a fence, wall, or planted material on each side adjacent to and "A-R," "R-R," or "R" District, as approved by the Planning Commission and meeting the requirements of Section 4.16.
- B. The parking area and its driveway shall be:
 - 1. Designed to provide adequate drainage.
 - 2. Surfaced with concrete or asphalt pavement or gravel
 - 3. Maintained in good condition, free of dust, trash, and debris.
- C. The parking area shall be provided with entrances and exits so located as to minimize traffic congestion.
- D. Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.
- E. No part of any parking area shall be closer than ten (10') feet to the street right-of-way or closer than five (5') feet to a lot line in any "A-R," "R-R" or "R" District.

12.08 OFF-STREET LOADING SPACES

- A. For every building or addition to an existing building requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same lot an area adequate for maneuvering and ingress and egress for delivery vehicles and off-street loading spaces as follows:
 - 1. Up to twenty thousand (20,000) square feet of gross floor area – One (1) space.
 - 2. From twenty thousand (20,000) to fifty thousand (50,000) square feet of gross floor area – two (2) spaces.
 - 3. One (1) additional space for each additional fifty thousand (50,000) square feet of gross floor area or fraction thereof.
- B. Each such loading space shall be at least ten feet (10') in width, thirty-five feet (35') in length, and fourteen feet (14') in height. No such space shall be located closer than thirty feet (30') to any lot in any "A-R," "R-R," or "R" district.

Chapter 13 Signs and Billboards

13.01 GENERAL SIGN REGULATIONS

No sign shall be erected at any location whereby reason of position, size, shape, color, movement, or illumination, said sign may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal, or device so as to interfere with, mislead, or confuse traffic. Consideration of traffic visibility and injurious effect on adjacent properties is essential.

13.02 LOCATION OF SIGNS

No sign shall be placed within ten (10') feet of the road right-of-way or any adjacent property lines.

13.03 PERMITTED SIGNS IN ALL DISTRICTS

In any agricultural or residential district only one sign of each of the following types shall be permitted on each lot or parcel, if it applies, see 3.06, p.3-2:

- A. A non-illuminated real estate sign not exceeding six (6') square feet in area. On lots of one (1) acre or more in area. Such sign shall not exceed sixteen (16') square feet in area.
- B. A name plate provided that it does not exceed four (4') square feet in area.
- C. One sign advertising a recorded subdivision or development not to exceed sixteen (16') square feet in area.
- D. An identifying sign not to exceed sixteen (16') square feet in area. Such sign may be illuminated by a non-flashing reflective light, and the source of illumination shall be shielded from direct view of vehicular traffic or adjacent property if it applies, see 3.06, p. 3-2.
- E. A non-illuminated home occupation sign not to exceed 4 square feet in area.

13.04 PERMITTED SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS

Signs in any commercial or industrial district shall conform to the requirements provided below:

- A. The following signs are permitted:
 1. One business sign may be affixed flat against the wall of the building. A total of two (2) business signs may be allowed for a business located on a corner lot. The total sign area shall not exceed one (1') square foot for each foot in length of the wall to which it is affixed.
 2. One freestanding business sign may be erected provided such sign does not exceed thirty-two (32') square feet in area and is not within ten (10') feet of the road right-of-way or any lot line.
- B. All signs may be illuminated internally or by reflected light, provided the source of light is not directly visible and is so arranged to reflect away from adjoining premises. No illumination involving movement by reason of the lighting arrangement or any other devices shall be permitted, except signs which display time and temperature.

13.05 BILLBOARDS

All billboards shall meet the provisions of the Highway Advertising Act of 1972, Act 106 of 1976, as amended.

Chapter 14 Special Land Uses

14.01 PURPOSE

Special land uses are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this chapter is to establish equitable procedures and criteria which shall be met before the following special land uses are permitted.

- A. Aircraft facilities.
- B. Confines feedlots.
- C. Golf course and country clubs.
- D. Mineral extraction and processing.
- E. Mobile home parks.
- F. Multifamily dwellings.
- G. Public or institutional uses.
- H. Salvage yards.
- I. State licensed residential facilities.
- J. Light industrial manufacturing.
- K. Commercial operations.
- L. Wireless Communication Facilities.
- M. Planned Unit Development.

14.02 APPLICATION PROCEDURES

An application for a special land use shall be submitted and acted upon in accordance with the following procedures:

- A. Applications for a special land use shall be submitted through the township clerk to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the costs of processing the application. No part of this fee shall be refundable.
- B. An application for a special land use shall be accompanied by the following documents and information:
 - 1. A special land use application form submitted to the zoning administrator which has been completed in full by the applicant.
 - 2. A site plan as required in Chapter 17.

- C. Upon receipt of an application for a special land use, the Planning Commission shall publish notice of a public hearing for a special land use in a newspaper which circulates in the township and, in addition, said notice shall be sent by mail or personal delivery to the owners of the property for which approval is being considered, to all persons to whom real property is assessed within three hundred feet (300') of the boundary of the property in question, and to the occupants of all structures within three hundred feet (300') of the property in question. The notice shall be given not less than fifteen (15) or more than thirty (30) days before the application will be considered. The notice shall:
1. Describe the nature of the special land use request.
 2. Indicate the property which is subject to the special land use request.
 3. State when and where the special land use request will be considered.
 4. Indicate when and where written comments will be received concerning the request.
- D. The Planning Commission shall hold a public hearing to receive public comment on the request. The Planning Commission, based upon its review of the application for a special land use, comments received at the public hearing, and other material submitted in relation to the request, shall make a determination on the special land use application. Such determination shall be in accordance with the criteria for approval stated in Section 14.03 and such other standards contained in this Ordinance which relate to the special land use under consideration.
- E. The decision of the Planning Commission on a special land use shall be incorporated in a statement which sets forth the findings, determinations, and conclusion relative to the special land use under consideration, said statement shall specify the basis for the decision of the Planning Commission and any conditions imposed.

14.03 BASIS OF DETERMINATION

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

- A. The Planning Commission shall review the particular circumstances of the special land use request under consideration in terms of the following general standards, and shall approve a special land use only upon finding, by a preponderance of the evidence, compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance.
1. The special land use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property.
 2. The special land use shall not impair the essential character of the surrounding area.
 3. The special land use shall not be hazardous to the adjacent property or involve uses, activities, materials, or equipment which will be detrimental to the general health, safety, and welfare.

4. The special land use shall not place demands on public services and facilities in excess of current capacities.
 5. The special land use is in general agreement with the township's land use plan.
- B. The Planning Commission may impose conditions with the approval of a special land use which are necessary to ensure compliance with the standards for approval stated in this Section or other applicable standards contained in this Ordinance. Such conditions shall be considered an intricate part of the special land use permit and shall be enforced by the zoning administrator. The conditions imposed shall meet the provisions of Section 19.08.
- C. If the application for a special land use is granted, the special land use must be implemented within one year from the date of approval or the parcel is question reverts to its original permitted use.
1. The Planning Commission may grant one (1) six (6) month extension of such time period, provided the applicant requests in writing, an extension prior to the date of expiration of the special land use.
 2. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
 3. If neither of the above provisions is fulfilled or the six (6) month extension has expired prior to construction, the special and use approval shall be null and void.

14.04 APPEAL

The Planning Commission's decisions on the special land use application my not be appealed to the Zoning Board of Appeals.

14.05 SURETY

The Planning Commission may require reasonable surety arrangement to be posted by the applicant at appropriate stages of development to ensure that the development will be executed in accordance with the approved permit.

14.06 DESIGN STANDARDS

A special land uses shall be subject to the requirements of the district in which they are located in addition to the following design standards:

A. Aircraft Facilities:

1. Minimum lot size shall be ten (10A) acres.
2. They shall be located at least one half (1/2) mile from any "R" District.

B. Confined feedlots:

1. Minimum lot size shall be forty (40A) acres.

2. Confined feedlots shall be set back at least five hundred (500) feet from any property line or road right-of-way, at least one thousand (1,000) feet from any "R" District, and at least five hundred (500) feet from any surface water feature (e.g., standing body of water or flowing stream).
3. No direct runoff from the site onto adjacent property shall result from the proposed operation.
4. All manure shall be incorporated into the land or disposed of by using generally accepted agricultural and management practices according to "Generally Accepted Agricultural Practices for Manure Management and Utilization," as amended, adopted by the Michigan Agriculture Commission, April 1990. Each feedlot shall have sufficient area to permit proper incorporation or disposal of the manure.

C. Gold Course and Country Clubs:

1. All parking areas and structures shall be screened from view of adjacent residences as determined by the Planning Commission and in accordance with Section 4.16.
2. No principal or accessory building shall be closer than fifty (50') feet from any adjacent "R" District.

D. Mineral Extraction and Processing:

1. It shall be the responsibility of the landowner or permit holder to use ecological conservation practices for all areas used for exaction.
2. The planning Commission may require that part or all of the operation be screened with a fence at least six (6) feet in height. In addition, appropriate screening as determined by the Planning Commission and in accordance with Section 4.16 may be required on any side adjacent to any residential or commercial district.
3. No excavation shall be within one hundred & fifty (150) feet of a residence or within one hundred (100) feet of a property line or a road right-of-way. The Planning Commission may allow excavation activities within this minimum setback area during the reclamation process provided no excavation is allowed within fifty (50) feet of any residence or within twenty-five (25) feet of any property line or road right-of-way.
4. All truck operations shall be directed away from residential streets, whenever practical.
5. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.

6. Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.
7. The operation shall be restricted to the hours of six o'clock a.m. (6:00 a.m.) until ten o'clock p.m. (10:00 p.m.).
8. Reclamation and rehabilitation of mined area shall be accomplished progressively as the area is being mined. Not more than sixty percent (60%) of the intended project area may be completed before restoration must begin. Substantial completion of reclamation and rehabilitation shall be effected within one (1) year after the termination of mining or excavation activity in each area. Inactivity for a twelve (12) month consecutive period shall constitute, for this purpose, termination of mining activity.
9. The banks of all excavations shall be sloped to the water line in a water-producing excavation, and to the pit floor in a dry operation at a slope which shall not be steeper than one (1) foot vertical to four (4) feet horizontal.
10. Topsoil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches or other planned improvements are to be completed with a one (1) year period. Where used, topsoil shall be applied to a minimum depth of four (4") inches sufficient to support vegetation.
11. Vegetation similar to that which prior to the excavation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
12. Upon cessation of mining operations by abandonment or otherwise, the operation company, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant structures, foundations, buildings, stockpiles, and equipment, provided that buildings and structures which have a function under the reclamation plan which can be lawfully used under the requirements of the zoning district in which they will be located may be retained.

E. Mobile Home Parks:

1. All mobile home parks shall conform to the standards specified in Act 96 of the Public Acts of 1987, as amended, the Mobile Home Commission Rules, March 1987, as amended, and the Department of Public Health, Bureau of Environmental and Occupational Health, Mobile Home Parks and Seasonal Mobile Home Parks Health Standards, May 26, 1984, as amended.
2. All mobile homes shall be skirted within ninety (90) days of placement within the mobile home park and must meet the standards of Act 96 of the Public Acts of 1987, as amended.
3. All mobile homes shall be anchored when installed in a mobile home park with only those systems which are approved by Act 96 of the Public Acts of 1987, as amended.

4. Mobile homes, permanent buildings and facilities, and other structures shall not be located closer than ten (10) feet from the property boundary line. If said structures abut a public right-of-way, they shall not be located closer than fifty (50) feet from the boundary line, except that if the boundary line runs through the center of the public road, the fifty (50) shall be measured from the road right-of-way.
5. Mobile home parks shall be screened from view as follows:
 - i. If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development.
 - ii. If the park abuts a nonresidential development, the park need not provide screening.
 - iii. In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.
6. The screening shall consist of evergreen trees or shrubs a minimum of five (5) feet in height that are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the mobile home park as effectively as the required landscaping described above.
7. The sale of new or used mobile homes are only permitted within the mobile home park on sites approved for permanent occupancy and accessory to the use of the park dwelling purposes.
8. All public and private utilities shall be stored underground.
9. A preliminary plan shall be submitted to the township for preliminary approval. The preliminary plan shall include the location, layout, general design, and a general description of the project.

F. Multifamily Dwellings:

1. A fence, wall, or planted material in accordance with Section 4.16 may be required by the Planning Commission to protect neighboring residential properties.
2. All parking areas and accessory structures shall be set back at least twenty (20) feet from all lot lines in any "R" District.

G. Public or Institutional Uses

1. Such use shall be in conformance with the character of the adjacent neighborhood and shall be essential to service the neighborhood or community.
2. The Planning Commission shall establish requirements for setback, lot size, side yard, parking, screening, and other conditions necessary for the use to conform with the character of the adjacent neighborhood.

H. Salvage Yards:

1. Minimum lot size shall be three (3) acres.
2. All uses shall be established and maintained in accordance with all applicable state and county laws.

3. All storage areas shall be set back at least one hundred (100) feet from any street right-of-way or property line and one thousand (1,000) feet from any "R" District. Such setbacks shall be landscaped to minimize the appearance and impact of the installation. The spacing and type of plant materials shall be in accordance with Section 4.16 and shall be approved by the Planning Commission.
 4. No open burning shall be permitted.
 5. All industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
 6. All regulations cited in Section 11.08 shall be met.
- I. State Licensed Residential Facilities:
1. Such use shall be in conformance with the character of the adjacent neighborhood.
 2. The Planning Commission shall establish requirements for setback, lot size, side yard, parking, screening, and other conditions necessary for the use to conform with the character of the adjacent neighborhood.
- J. Light Industrial Manufacturing:
1. Light industrial manufacturing shall be permitted by right in the "I" District, but shall require a special land use permit in the "A-R" and "R-R" District.
 2. Only those uses permitted in Section 11.02 shall be permitted as special land uses in "A-R" and "R-R" District.
 3. The minimum lot size shall be five (5) acres.
 4. All structures and operations shall be set back at least one hundred (100) feet from all lot lines.
 5. The conditions of Section 11.08 shall be met.
- K. Commercial Operations:
1. Commercial operations shall be permitted by right in the "C" District, but shall require a special land use permit in the "A-R" and "R-R" Districts.
 2. Only those uses permitted in Section 10.02 shall be permitted as special land uses in the "A-R" and "R-R" Districts.
 3. The minimum lot size shall be one (1) acre.
 4. All structure and operations shall be set back at least fifty (50) feet from all lot lines.
 5. A fence, wall or planted material, as approved by the Planning Commission and meeting the requirements of Section 4.16, shall be provided along all side and rear yards where an existing residential home is located within one hundred (100) feet of the side or rear lot line.

L. Wireless Communication Facilities

1. Wireless Communication Facilities shall require a Special Land Use permit and be allowed only in A-R, R-R, C and I districts.
2. The Wireless Communication Facilities design standards shall meet all requirements of Chapter 15.

M. Planned Unit Development

Chapter 15

Wireless Communication Facilities

Wireless Communication facilities shall mean and include all structure and accessory facilities relating to the use of 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 facilities, telephone transmission equipment buildings, and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities, short wave receiving facilities, radio and television broadcast reception facilities, federal licensed amateur (ham) radio facilities, satellite dishes, private mobile radio service facilities and governmental facilities that are subject to state or federal law or regulations.

15.01 QUALIFYING CONDITIONS:

- A. The following site and development requirements shall apply:
 - 1. A minimum site point seven five (.75) acre and one hundred twenty-five (125) feet of road frontage.
 - 2. The use of guy wires is strictly prohibited.
 - 3. The base of the tower and all accessory structures shall be fenced with a minimum five (5) foot high fence.

15.02 SPECIAL PERFORMANCE STANDARDS:

- A. The tower must be setback from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by a person(s) designated by the Township Board that the structural integrity of the tower will withstand high winds and impacts, and the likelihood of a tower failure is minimal. The applicant shall incur all costs associated with the person(s) designated by the Township Board.
- B. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty (30) feet. Nothing shall prevent an applicant from applying to the Board of Appeals for a setback variance.
- C. Accessory structures shall not exceed six hundred (600) square feet of gross building area
- D. All bufferyard requirements within the zoning ordinance shall be met.
- E. The plans of the tower construction shall be certified by a registered structural engineer.
- F. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
- G. All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.

- H. Communication towers in excess of one hundred (100) feet in height above grade level shall be prohibited within a two (2) mile radius of a public airport or one-half (1/2) mile radius of a helipad.
- I. No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within thirty (30') feet of a property line. Nothing shall prevent an applicant from applying to the Board of Appeals for a setback variance.
- J. Metal Towers shall be constructed of, or treated with, corrosive-resistant material.
- K. Antenna and metal towers shall be grounded for protection against a direct strike of lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
- L. Towers with antenna shall be designed to withstand a uniform wind loading as prescribed in the building code.
- M. All signals and remote control conductors of low energy extending substantially horizontally above the ground between tower or antenna and a structure, or between towers, shall be at least twelve (12') feet above the ground at all points, unless buried underground.
- N. Towers shall be located so that they do not interfere with reception in nearby residential areas.
- O. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant.
- P. The base of the tower shall occupy nor more than five hundred (500) square feet.
- Q. Minimum spacing between tower locations shall be three (3) miles in order to prevent a concentration of towers in one area.
- R. Height of the tower shall not exceed one hundred and seventy-five (175) feet from grade within a Zoned Residential District, a Zoned Rural-Residential District, and a Zoned Agricultural-Residential District, two hundred (200) feet from grade within a Zoned Commercial District, and three hundred (300) feet from grade within a Zoned Industrial District.
- S. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
- T. Existing on site vegetation shall be preserved to the maximum extend practicable.
- U. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
- V. The antenna shall be painted to match the exterior treatment of the Tower. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.

- W. Structures shall be subject to any state and federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extend required by such standard or the Special Use approval will be subject to revocation by the Township Board. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
- X. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
- Y. Where the property adjoins any residentially zoned property or land use, the developer shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on twenty (20) foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than ten (10) feet to any structure.
- Z. The tower shall be removed by the property owner or lessee within six (6) months of being abandoned.
- AA. The Company shall show proof of sufficient liability insurance.

Chapter 16

(RESERVED FOR FUTURE USE)

WIND ENERGY ORDINANCE

Chapter 16

SECTION 1: PURPOSE AND INTENT

The purpose of this ordinance is to establish guidelines for siting Wind Energy Turbines (WETs). The goals are as follows:

- A. To promote the safe, effective and efficient use of WET in order to reduce the consumption of fossil fuels in producing electricity.
- B. Preserve and protect public health, safety, welfare and quality of life by minimizing the potential adverse impacts of a WET.
- C. To establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of WET shall be governed.

SECTION 2: DEFINITIONS

As used in this article, the following terms shall have the meaning indicated.

- A. **Ambient Sound Level** is the amount of background noise at a given location prior to the installation of a WET(s) which may include, but not limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American National Standards Institute.
- B. **Anemometer** is a temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy turbine at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
- C. **Condominium Development** is defined as a development that is created under the Condominium Act.
- D. **General Common Element** is defined as an area designated for use by all owners within condominium development.
- E. **Decibel** is defined as unit of measure used to express the magnitude

of sound pressure and sound intensity. Decibels shall be measured on the dB(A) weighted scale as defined by the American National Standards Institute.

- F. **Decommissioning** is the process of terminating operation and completely removing a WET(s) and all related buildings, structures, foundations, access roads, and equipment.
- G. **Large Wind Energy Turbine (LWET)** is a tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The LWET has a nameplate above two hundred fifty (250) kilowatts, and the main purpose of the LWET is to supply electricity to off-site customers.
- H. **Medium Wind Energy Turbine (MWET)** is a tower mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The MWET has a nameplate capacity that does not exceed two hundred fifty (250) kilowatts. The Total Height does not exceed one hundred and fifty (150) feet.
- I. **Nacelle** refers to the encasement which houses all of the generating components, gear box, drive tram, and equipment.
- J. **Net-Metering** is a special metering and billing agreement between utility companies and their customers, which facilitates the connection of renewable energy generating systems to the power grid.
- K. **Occupied Building** is a residence, school, hospital, church, public library, business, or any other building used for public gatherings.
- L. **Operator** is the entity responsible for the day-to-day operation and maintenance of a Wind Energy Turbine (WET).
- M. **Owner** is the individual or entity, including their respective successors and assigns, that have an equity interest or own the Wind Energy Turbine (WET) in accordance with this ordinance.

- N. **Planned Unite Development (PUD)** includes such items as cluster zoning, planned development, community unit plan, and planned residential development and other terminology denoting zoning requirements designed to accomplish the objectives of the zoning ordinance through a land development project review process based on the application of the site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.
- O. **Rotor Diameter** is the cross-sectional dimension of the circle swept by the rotating blades of a WET.
- P. **Shadow Flicker** is the moving shadow, created by the sun shining through the rotating blades of a Wind Energy Turbine (WET). The amount of shadow flicker created by a WET is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity, and sunlight.
- Q. **Small Tower-Mounted Wind Energy Turbine (STMWET)** is a tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The STMWET has a nameplate capacity that does not exceed thirty (30) kilowatts. The Total Height does not exceed one hundred twenty (120) feet.
- R. **Structure** is any building or other structure, such, as a municipal water tower that is a minimum of twelve (12) feet high at its highest point of roof and is secured to frost-footings or a concrete slab.
- S. **Small Structure-Mounted Wind Energy Turbine (SSMWET)** converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A SSMWET is attached to a structure's roof, walls, or other elevated surface. The SSMWET has a nameplate capacity the does not exceed ten (10) kilowatts. The Total Height does not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.

- T. **Total Height** is the vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the Wind Energy Turbine (WET).
- U. **Tower** is a freestanding monopole that supports a Wind Energy Turbine (WET).
- V. **Turbine Site** is considered the tower pad, and anything above it.
- W. **Upwind Turbine** is a Wind Energy Turbine (WET) positioned in a manner so that the wind hits the turbine blades before it hits the tower in order to avoid the thumping noise which can occur if the wind is disrupted by hitting the tower before the blades.
- X. **Wind Energy Overlay District** is a district provided by the developer for the approval of the Township Board upon receiving a recommendation from the Planning Commission, which is a specific area within the township best situated for development of a Large Wind Turbine (LWET).
- Y. **Wind Energy Turbine (WET)** is any structure-mounted, small, medium, or large wind energy conversion system that converts wind energy into electricity through the use of a wind generator and includes the nacelle, rotor, tower, and pad transformer, if any.

SECTION 3: APPLICABILITY

- A. This Ordinance applies to all WETs proposed to be constructed after the effective date of this ordinance.
- B. All WETs constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; however, any physical modification to an existing WET that materially alters the size, type, equipment or location shall require a permit under this Ordinance.

SECTION 4: TEMPORARY USES

The following is permitted in all zoning districts as a temporary use, in compliance with the provisions contained herein, and the applicable WET regulations.

A. Anemometers

1. The construction, installation, or modification of a anemometer tower shall require a building permit and shall conform to all applicable local, state, and federal applicable safety, construction, environmental, electrical, communications, and FAA requirements.
2. An anemometer shall be subject to the minimum requirements of height, setback, separation, location, safety requirements, and decommissioning that correspond to the size of the WET that is proposed to be constructed on the site.
3. An anemometer shall be permitted for no more that thirteen (13) months for a SSMWET, STMWET, or MWET, and no more than three (3) years for a LWET.

SECTION 5: PERMITTED USES

A Small Structure-Mounted Wind Energy Turbine (SSMWET) and a Small Tower-Mounted Wind Energy Turbine (STMWET) shall be considered a permitted use in all zoning districts and shall not be erected, constructed, installed, or modified as provided in this Ordinance unless a building permit has been issued to the Owner(s) or Operator(s).

A. Siting and Design Requirements:

1. "Upwind" turbines shall be required.
2. Visual Appearance
 - a) A SSMWET or STMWET, including accessory buildings and related structures shall be a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the SSMWET or STMWET.
 - b) A SSMWET or STMWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
 - c) SSMWET or STMWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer.
3. Ground Clearance: The lowest extension of any blade or other exposed moving component of a SSMWET or STMWET shall be at least fifteen (15) feet above the ground (at the highest point of the natural grade within thirty (30) feet of the base of the tower) and, in addition, at least fifteen (15) feet above any

outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below the SSMWET or STMWET.

4. Noise: Noise emanating from the operation of a SSMWET or STMWET shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a SSMWET(s) or STMWET shall not exceed, at any time, the lowest ambient noise level plus 5 dBA that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural use parcel.
5. Vibration: Vibrations shall not be produced which are humanly perceptible beyond the property on which a SSMWET or STMWET is located.
6. Guy Wires: Guy wires shall not be permitted as part of the SSMWET or STMWET.
7. In addition to the **Siting and Design Requirements** listed previously, the SSMWET shall also be subject to the following:
 - a) Height: The height of a SSMWET shall not exceed 15 feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.
 - b) Setback: The setback of the SSMWET shall be a minimum of fifteen (15) feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. If the SSMWET is affixed by any extension to the side, roof, or other elevated surface, then the setback from the property line or public right-of-way shall be a minimum of fifteen (15) feet. The setback shall be measured from the furthest outward extension of all moving parts.
 - c) Location: The SSMWET shall not be affixed to the wall on the side of a structure facing a road.
 - d) Quantity: No more than three (3) SSMWETs shall be installed on any parcel of property.
 - e) Separation: If more than one SSMWET is installed, a distance equal to the height of the highest SSMWET must be maintained between the base of each SSMWET.
8. In addition to the **Siting and Design Requirements** listed previously, the STMWET shall also be subject to the following:
 - a) Height: The Total Height of a STMWET shall not exceed one hundred twenty (120) feet.

- b) Location: The STMWET shall only be located in a rear yard of a property that has an occupied building.
- c) Occupied Building Setback: The setback from all occupied buildings on the applicant's parcel shall be a minimum of twenty (20) feet measured from the base of the Tower.
- d) Other Setbacks: The setback shall be equal to the Total Height of the STMWET, as measured from the base of the Tower, from the property line, public right-of-way, public easement, or overhead public utility lines. This setback may be reduced if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the wind turbine.
- e) Quantity: No more than one (1) STMWET shall be installed on any parcel of property.
- f) Electrical System: All electrical controls, control wiring, grounding wires, power lines, and system components shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.

B. Permit Application Requirements:

1. Name of property owners(s), address, and parcel number.
2. A site plan shall include maps (drawn to scale) showing the proposed location of all components and ancillary equipment of the SSMWET(s) or STMWET, property lines, physical dimensions of the property, existing building(s), setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, non-motorized pathways, roads and contours. The site plan must also include adjoining properties as well as the location and use of all structures.
3. The proposed type and height of the SSMWET or STMWET to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
4. Documented compliance with the noise requirements set forth in the Ordinance.
5. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable

- safety, construction, environmental, electrical, communications, and FAA requirements.
6. Proof of applicant's liability insurance.
 7. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
 8. Other relevant information as may be reasonably requested.
 9. Signature of the Applicant.
 10. In Addition the **Permit Application Requirements** previously listed, the SSMWET application shall also include the following:
 - a) Total proposed number of SSMWETs.
 11. In addition to the **Permit Application Requirements** previously listed, the STMWET application shall also include the following:
 - a) A description of the methods that will be used to perform maintenance on the STMWET and the procedures for lowering or removing the STMWET in order to conduct maintenance.
 12. If the SSMWET or STMWET is not owned by the property owner(s), a bond must be provided to Adams Township for the cost of decommissioning each SSMWET or STMWET.

C. Safety Requirements:

1. If the SSMWET or STMWET is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations meeting federal, state and industry standards applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
2. The SSMWET or STMWET shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
3. A clearly visible warning sign regarding voltage shall be placed at the base of the SSMWET or STMWET.
4. The structural integrity of the SSMWET or STMWET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety

and Design” and/or IEC 61400-2, “Small Wind Turbine Safety,” IEC 61400-22 “Wind Turbine Certification,” and IEC 61400-23 “Blade Structural Testing,” or any similar successor standards.

D. Signal Interference:

1. The SMMWET or STMWET shall not interfere with communications systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.

E. Decommissioning:

1. The SSMWET or STMWET Owner(s) or Operator(s) shall complete decommissioning within twelve (12) months after the end of the useful life. Upon request of the owner(s) or assigns of the SSMWET or STMWET, and for a good cause, the township board may grant a reasonable extension of time. The SSMWET and STMWET will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the Owner(s) or Operator(s).
2. If the SSMWET or STMWET Owner(s) or Operator(s) fails to complete decommissioning within the period prescribed above, the township board may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises. If the SSMWET or STMWET is not owned by the property owners(s), a bond must be provided to the township for the cost of decommissioning each SSMWET or STMWET.
3. In addition to the **Decommissioning Requirements** listed previously, the STMWET shall also be subject to the following:
 - a) Decommissioning shall include the removal of each STMWET, buildings, electrical components, and any other associated facilities, Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade.
 - b) The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the facility or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, unless the property owner(s) requests in writing that the land

surface areas not be restored.

F. Public Inquiries & Complaints:

1. Should an aggrieved property owner allege that the SSMWET or STMWET is not in compliance with the noise requirements of this Ordinance, the procedure shall be as follows:
 - a) Noise Complaint
 - i. Notify the township in writing regarding concerns about noise level.
 - ii. If the complaint is deemed sufficient by the township to warrant an investigation, the township will request the aggrieved property owner deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this Ordinance.
 - iii. If the test indicates that the noise level is within Ordinance noise requirements, the township will use the deposit to pay for the test.
 - iv. If the SSMWET or STMWET Owner(s) is in violation of the Ordinance noise requirements, the Owner(s) shall reimburse the township for the noise level test and take immediate action to bring the SSMWET or STMWET into compliance which may include ceasing operation of the WET until Ordinance violations are corrected. The township will refund the deposit to the aggrieved property owner.

SECTION 6: SPECIAL USES

A Medium Wind Energy Turbine (MWET) and a Large Wind Energy Turbine (LWET) shall be a special use in Agricultural-Residential, Rural-Residential, Commercial, and Industrial districts, as well as in Condominium Developments and/or Planned Unit Development (PUD).

PERMITS

In addition to the materials required for all special land uses, the application shall include the following:

- A. **Permits** from the County Road Commission and County Drain Commission will be required prior to receiving a Special Land Use

Permit from Adams Township to erect a Wind Tower.

B. Siting and Design Requirements:

1. "Upwind" turbines shall be required.
2. The design of a MWET or LWET shall conform to all applicable industry standards.
3. Visual Appearance:
 - a) Each MWET or LWET shall be mounted on a tubular tower of a non-reflective, non-obstrusive color. (e.g. white, gray, black). The appearance of turbines, towers and accessory buildings shall be maintained throughout the life of the MWET or LWET.
 - b) Each MWET or LWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
 - c) Each MWET or LWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for reasonable identification of the turbine manufacturer or operator(s).
4. Vibration: Each MWET or LWET shall not produce vibrations humanly perceptible beyond the property on which it is located.
5. Shadow Flicker: The MWET or LWET owner(s) and/or operator(s) shall conduct an analysis on potential shadow flicker at any occupied building with direct line-of-sight to the MWET or LWET. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sun-set over the course of a year. The analysis shall identify situations where shadow flicker may affect the occupants of the buildings for more than 30 hours per year, and describe measures that shall be taken to eliminate or mitigate the problems. Shadow flicker on a building shall not exceed thirty (30) hours per year.
6. Guy Wires: Guy wires shall not be permitted as part of the MWET or LWET.
7. Electrical System: All electrical system transmission lines connecting the MWET or LWET to the substation shall be underground at a minimum depth of 4 feet. Transmission lines from a project substation to the utility transmission lines can be overhead.
8. In addition to the **Siting and Design Requirements** listed previously, the MWET shall also be subject to the following:

- a. Location: If a MWET is located on an agricultural-residential, commercial or industrial area that has an occupied building, it shall only be located in the rear yard. The MWET shall only be located in a General Common Element in a Planned Unit Development or Condominium Development.
- b. Height: The Total Height of a MWET shall not exceed one hundred and fifty (150) feet.
- c. Ground Clearance: The lowest extension of any blade or other exposed moving component of a MWET shall be at least fifteen (15) feet above ground (at the highest point of the grade level within fifty (50) feet of the base of the tower) and, in addition, at least fifteen (15) feet above any outdoor surfaces intended for human occupancy, such as balconies or roof gardens, that are located directly below the MWET.
- d. Noise:
 - i. Noise emanating from the operation of a MWET or shall not exceed: the greater of fifty-five [55] dBA or five [5] dBA above ambient preconstruction noise levels when measured from the nearest dwelling, school, hospital or church whose owner has not agreed in writing to a higher level.
 - ii. Noise emanating from the operation of a MWET shall not exceed: the greater of fifty-five [55] dBA or five [5] dBA above ambient preconstruction noise levels when measured from the nearest nonparticipating property owner parcel line whose owner has not agreed in writing to higher level.
- e. Quantity: No more than one (1) MWET shall be installed for every two and one-half (2.5) acres of land included in the parcel.
- f. Setback & Separation:
 - i. Occupied Building Setback: The setback from all occupied buildings on the applicant's parcel shall be a minimum of eight hundred (800) feet measured from the base of the tower.
 - ii. Property line Setbacks: With the exception of the locations of public roads (see below), drain rights-of-way and parcels with occupied buildings (see

above), the internal property line setbacks shall be equal to the Total Height of the MWET as measured from the base of the Tower. This setback may be reduced to a distance agreed upon as part of the special use permit if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the WET.

- iii. Public Road Setbacks: Each MWET shall be set back from the nearest public road a distance equal to the Total Height of the MWET, determined at the nearest boundary of the underlying right-of-way for such public road.
- iv. Communication and Electrical Lines: Each MWET shall be set back from the nearest above-ground public electric power line or telephone line a distance equal to the Total Height of the MWET, as measured from the base of the Tower, determined from the existing power line or telephone line.
- v. Tower Separation: MWET/tower separation shall be based on industry standard and manufacturer recommendation.

9. In addition to the **Siting and Design Requirements** listed previously, the LWET shall also be subject to the following:

- a. Ground Clearance: The lowest extension of any blade or other exposed moving component of an LWET shall be at least fifty (50) feet above the ground (at the highest point of the grade level within one hundred fifty (150) feet of the base of the tower).
- b. Noise:
 - i. Noise emanating from the operation of a LWET shall not exceed: the greater of fifty-five (55) dBA or 5 dBA above ambient preconstruction noise levels when measured from the nearest dwelling, school, hospital or church whose owner has not agreed in writing to a higher level.
 - ii. Noise emanating from the operation of a LWET shall not exceed the greater of fifty-five (55) dBA or 5 dBA above ambient preconstruction noise levels when measured from the nearest

nonparticipating property owner parcel line whose owner has not agreed in writing to a higher level.

- c. Quantity: The number of LWETs shall be determined based on setbacks and separation.
- d. Setback & Separation:
 - i. Occupied Building Setback: Each LWET shall be setback from the nearest Occupied Building that is located on the same parcel as the LWET a minimum two (2) times its Total Height, or one thousand (1000) feet, as measured from the base of the tower, whichever is greater.
 - ii. Property line Setbacks: With the exception of the locations of public roads (see below), drain rights-of-way and parcels with Occupied Buildings (see above), the internal property line setbacks shall be a minimum of one and one-half (1.5) times the Total Height, as measured from the base of the Tower. This setback may be reduced to a distance agreed upon as part of the special use permit if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the WET. The internal property line setbacks may be waived by adjacent participating land owners.
 - iii. Wind Energy Overlay District Setbacks: Along the border of the Wind Energy Overlay District, there shall be a setback distance equal to two (2) times the Total Height as measured from the base of the tower.
 - iv. Public Road Setbacks: Each LWET shall be set back from the nearest public road a distance no less than four hundred (400) feet or one and one-half (1.5) times its Total Height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such public road.
 - v. Communication and Electrical Lines: Each LWET shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than four hundred (400) feet or 1.1 times its Total Height, whichever is greater, determined from the existing power line or telephone line.

- vi. Tower Separation: Turbine/tower separation shall be based on industry standards and manufacturer recommendation.
- e) Access Driveway: Each LWET shall require the construction of a private road to offer an adequate means by which the township may readily access the site in the event of an emergency. All private roads shall be constructed to the township's private road standards.
- f) Private Road:

C. Safety Requirements:

1. If the MWET or LWET is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
2. The MWET or LWET shall be equipped with an automatic braking, or governing system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
3. Security measures need to be in place to prevent unauthorized trespass and access. Each MWET or LWET shall not be climbable up to fifteen (15) feet above ground surfaces. All access doors to MWETs or LWETs and electrical equipment shall be locked and/or fenced as appropriate, to prevent entry by non-authorized person(s).
4. All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner.
5. Each MWET or LWET shall have one sign, not to exceed two (2) square feet in area, posted at the base of the tower and on the security fence if applicable. The sign shall contain at least the following:
 - a) Warning high voltage
 - b) Manufacturer's and owner/operators name
 - c) Emergency contact numbers (list more than one number)
6. The structural integrity of the MWET or LWET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety

and Design,” IEC 61400-22 “Wind Turbine Certification,” and IEC 61400-23 “Blade Structural Testing,” or any similar successor standards.

D. Signal Interference:

1. The MWET or LWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.

E. Decommissioning:

1. The MWET or LWET Owner(s) or Operator(s) shall complete decommissioning within twelve (12) months after the end of the useful life. Upon request of the owner(s) or the assigned of the MWET or LWET, and for a good cause, the township board may grant a reasonable extension of time. Each MWET and LWET will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the Owner(s) or Operator(s).
2. Decommissioning shall mean the removal of each MWET or LWET, buildings and foundations, as well as any other associated facilities to a depth of sixty (60”) inches, at the Turbine Site. Electrical components, located outside of Turbine Site, must be removed to a minimum depth of forty eight (48”) inches. Following the removal, the location of any remaining wind turbine foundation shall be identified on a map, as such with GPS coordinates and recorded, with the deed to the property, with the County Register of Deeds.
3. All access roads to the MWET or LWET shall be removed, cleared, and graded by the MWET or LWET Owner(s), unless he property owner(s) requests, in writing, a desire to maintain the access road, The township will not be assumed to take ownership of any access road unless through official action of the township board.
4. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the MWET or LWET or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, unless the property owner(s) requests in writing that the land surface areas not be restored.
5. In addition to the **Decommissioning Requirements** listed previously, the **MWET** shall also be subject to the following:

- a) If the MWET Owner(s) or Operator(s) fails to complete decommissioning within the period prescribed above the township may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises. If the MWET is not owned by the property owner(s), a bond must be provided to the township for the cost of decommissioning each MWET.
6. In addition to the **Decommissioning Requirements** previously listed, the **LWET** shall also be subject to the following:
- a) An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning (“Decommissioning Costs”) with no regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (“Net Decommissioning Costs”). When determining this amount, the township may also require an annual escalator or increase based on the Federal Consumer Price Index (or equivalent or its successor). Said estimates shall be submitted to the township zoning administrator after the first year of operation and every fifth year thereafter.
 - b) The LWET Owner(s) or Operator(s) shall post and maintain Decommissioning Funds in an amount to Net Decommissioning Costs; provided, that at no point shall Decommissioning Funds be less than One hundred percent (100%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or state chartered lending institution chosen by the Owner(s) or Operator(s) and participating landowner(s) posting the financial security. The bonding company or lending institution is authorized to conduct such business and is approved by the township.
 - c) Decommissioning Funds shall be in the form of a performance bond made out to the township.
 - d) A condition of the bond shall be notification by the bond company to the township zoning administrator when the bond is about to expire or be terminated.

- e) At Grantee's expense, an independent and certified professional examiner shall be retained, to estimate the total cost of decommissioning.
("Decommissioning Costs") Decommissioning costs can include the salvage value of equipment. When determining this amount, the township may also require an annual escalator or increase based on the Federal Consumer Price Index (or equivalent or its successor). Said estimates shall be submitted to the township zoning administrator after the first year of operation and every fifth year thereafter.
- f) The escrow agent shall release the Decommissioning Funds when the Owner(s) has demonstrated and the township concurs that decommissioning has been satisfactorily completed, or upon written approval of the township in order to implement the decommissioning plan.
- g) If neither the Owner(s) or Operator(s), nor the landowner(s) complete decommissioning within the periods addressed previously (Decommissioning Requirements 1 and 2), then the township may take such measures as necessary to complete decommissioning, The entry into and submission of evidence of a Participating Landowner agreement to the township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the township may take such action as necessary to implement the decommissioning plan.

F. **Site Plan Requirements:**

1. Site Plan Drawing: All applications for an MWET or LWET special land use permit shall be accompanied by a detailed site plan map that is drawn to scale and dimensioned, displaying the following information:
 - a) Existing property features to include the following: property lines, physical dimensions of the property, land use, zoning district, contours, setback lines, right-of-ways, public and utility easements, public roads, access roads (including width) sidewalks, non-motorized pathways, large trees, and all

- buildings. The site plan must also include the adjoining properties as well as the location and use of all structures and utilities within three hundred (300) feet of the property.
- b) Location and height of all proposed MWETs or LWETs, buildings, structures, ancillary equipment, underground utilities and their depth, towers, security fencing, access roads (including width, composition, and maintenance plans), electrical sub-stations, and other above-ground structures and utilities associated with the proposed MWET and LWET.
 - c) Additional details and information as required by the Special Use requirements of the Zoning Ordinance or as requested by the Planning Commission.
2. Site Plan Documentation: The following documentation shall be included with the site plan:
- a) The contact information for the Owner(s) and Operator(s) of the MWET or LWET as well as contact information for all property owner on which the MWET or LWET is located.
 - b) A copy of the lease, or recorded document, with the landowner(s) if the applicant does not own the land for the proposed MWET or LWET. A statement from the landowner(s) of the leased site that he/she will abide by all applicable terms and conditions of the use permit, if approved.
 - c) Identification and location of the properties on which the proposed MWET or LWET will be located.
 - d) In the case of a Condominium Development, a copy of the Condominium Development's Master Deed and Bylaws addressing the legal arrangement for the MWET or LWET.
 - e) The proposed number, representative types and height of each MWET or LWET to be constructed; including their manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated capacity, rotor diameter, and a description of ancillary facilities.
 - f) Documents shall be submitted by the developer/manufacturer confirming specifications for MWET or LWET tower separation.
 - g) Documented compliance with the noise, and shadow flicker requirements set forth in this ordinance.
 - h) Engineering data concerning construction of the MWET or LWET and its base or foundation, which may include, but not limited to, soil boring data.
 - i) A certified registered engineer shall certify that the MWET or LWET meets or exceeds the manufacturer's construction and installation standards.

- j) Anticipated construction schedule.
- k) A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance. Additionally, a description of the procedures that will be used for lowering and removing the MWET or LWET to conduct maintenance, if applicable.
- l) Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications. The MWET or LWET shall comply with Federal Aviation Administration (FAA) requirements, Michigan Airport Zoning Act, Michigan Tall Structures Act, and any applicable airport overlay zone regulations.
- m) Proof of applicant's liability insurance with the Adams Township listed as additional insured.
- n) Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
- o) Other relevant information as may be required by the township to ensure compliance with the requirements of the Ordinance.
- p) Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Special Use Permit.
- q) A written description of the anticipated life of each MWET or LWET; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and site restoration; and removal and restoration procedures and schedules that will be employed if the MWET(s) or LWET(s) become inoperative or non-functional.
- r) The applicant shall submit a decommissioning plan that will be carried out at the end of the MWET's or LWET's useful life, and shall describe any agreement with the landowner(s) regarding equipment removal upon termination of the lease.
- s) The township reserves the right to review all maintenance plans and bonds under this Ordinance to ensure that all conditions of the permit are being followed.
- t) Signature of the Applicant.
- u) In addition to the **Site Plan Requirements** listed previously, the **LWET** shall be subject to the following:
 - i. A site grading, erosion control and storm water drainage plan will be submitted to the zoning administrator prior to issuing a special use permit for

an LWET. At the township's discretion, these plans may be reviewed by the township's engineering firm. The cost of this review will be the responsibility of the applicant.

- ii. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment of other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the LWET.
- iii. A statement indicating what hazardous materials will be used and stored on the site.
- iv. A study assessing any potential impacts on the natural environment (including, but not limited to, assessing the potential impact on endangered species, eagles, birds and/or other wildlife, wetlands and fragile ecosystems). The study shall conform to state and federal wildlife agency recommendations based on local conditions.

G. Certification & Compliance:

1. The township must be notified of a change in ownership of a MWET or LWET or a change in ownership of the property on which the MWET or LWET is located.
2. The township reserves the right to inspect any MWET, and all LWETs, in order to ensure compliance with the Ordinance. Any cost associated with the inspections shall be paid by the owner/operator of the WET.
3. In addition to the **Certification & Compliance** requirements listed previously, the **LWET** shall also be subject to the following:
 - a) A sound pressure level analysis shall be conducted from a reasonable number of sampled locations at the perimeter and in the interior of the property containing any LWETS to demonstrate compliance with the requirements of this Ordinance. Proof of compliance with the noise standards is required within ninety (90) days of the date the LWET becomes operational. Sound shall be measured by a third party, qualified professional.
 - b) The LWET Owner(s) or Operator(s) shall provide the township zoning administrator with a copy of the yearly maintenance inspection.

H. Public Inquiries & Complainants:

1. Should an aggrieved property owner allege that the MWET or LWET is not in compliance with the noise and shadow flicker requirements of this Ordinance, the procedure shall be as follows:
 - a) Noise Complaint
 - i. Notify the township in writing regarding concerns about noise level.
 - ii. If the complaint is deemed sufficient by the township to warrant an investigation, the township will request the aggrieved property owner deposit funds in an amount sufficient to pay for a noise level test, per A-weighting scale), conducted by a third party certified acoustic technician to determine compliance with the requirements of this Ordinance.
 - iii. If the test indicates that the noise level is within Ordinance noise requirements, the township will use the deposit to pay for the test.
 - iv. If the MWET or LWET Owner(s) is in violation of the Ordinance noise requirements, the Owner(s) shall reimburse the township for the noise level test and take immediate action to bring the MWET or LWET into compliance which may include ceasing operation of the WET until Ordinance violations are corrected. The township will refund the deposit to the aggrieved property owner.
 - b) Shadow Flicker Complaint
 - i. Notify the township in writing regarding concerns about the amount of shadow flicker.
 - ii. If the complaint is deemed sufficient by the township to warrant an investigation, the township will request the Owner(s) to provide a shadow flicker analysis of the turbine as constructed to determine compliance of the requirements of this Ordinance.
 - iii. If the MWET or LWET Owner(s) is in violation of the Ordinance shadow flicker requirements, the Owner(s) take immediate action to bring the MWET or LWET into compliance which may include ceasing operation of the WET until the Ordinance violations are corrected.

SECTION 7: SEVERABILITY

SECTION 8: REPEAL OF CONFLICTING ORDINANCES

SECTION 9: EFFECTIVE DATE May 14, 2011

Chapter 17 Site Plan Review

17.01 PURPOSE

It is the purpose of this chapter to require site plan approval for buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and land uses, and on the character of future development. It is further the purpose of this chapter to achieve safe and convenient traffic movement; harmonious relationships of buildings, structures and uses; and the conservation of natural features and resources.

17.02 USES REQUIRING SITE PLAN APPROVAL

The following buildings, structures, and uses require site plan approval by the Planning Commission:

- A. Special land uses.
- B. Commercial or industrial uses.
- C. Parking areas containing six (6) or more parking spaces.
- D. Residential developments containing four (4) or more lots, including site condominium subdivisions.

17.03 SITE PLAN REQUIREMENTS

Each site plan submitted shall contain the following information, unless specifically waived by the Planning Commission, in whole or in part:

- A. The date, north arrow, and scale. The scale shall be not less than one (1) inch = twenty (20) feet for property under three (3) acres and at least one (1) inch – one hundred (100) feet for those three (3) acres or more.
- B. All lot and/or property lines are to be shown and dimensioned, including building setback lines on corner lots.
- C. The location and height of all existing and proposed structures on and within one hundred (100) feet of the subject property's boundary.
- D. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas (show dimensions of a typical parking space), unloading areas, recreation areas, common use areas, and areas to be conveyed for public use and purpose.
- E. The location and pavement width and right-of-way width of all abutting roads, streets, alleys, or easements.
- F. The name and address of the individual or firm responsible for the preparation of the site plan.
- G. The name and address of the property owner or petitioner.

- H. A locational sketch drawn to scale.
- I. The respective zoning abutting the subject property.
- J. The location, height, and types of fences, walls, and landscaping.
- K. All existing and proposed utilities, including proposed connections to public sewer or water systems. In the case of Mobile Home Parks, all existing utilities necessary to service the site shall be shown.
- L. All existing and proposed surface water drainage facilities. In the case of Mobile Home Parks, all existing surface water drainage facilities shall be shown.
- M. For multiple family developments and parking areas with six (6) or more spaces, contour intervals shall be shown (two(2)-foot intervals for average slopes ten (10) percent and under, five(5)-foot intervals for slopes over ten (10) percent). Topography, however, may be required on all site plans at the discretion of the Planning Commission.

17.04 REVIEW PROCEDURE

The proposed site plan shall be submitted in five (5) copies to the Township Clerk, who shall keep one (1) copy of the proposed site plan and deliver four (4) copies of the proposed site plan to the secretary of the Planning Commission. The Planning Commission shall study the site plan and shall within sixty (60) days of its submittal to the Township Clerk either approve or disapprove the proposed site plan. If the site plan is disapproved, the reasons for the disapproval shall be stated. Upon approval of a site plan, at least two (2) copies of the site plan as finally approved shall be signed and dated by the secretary of the Planning Commission. One (1) copy of the signed site plan shall be kept on file with the zoning administrator and the other returned to the applicant.

17.05 STANDARD FOR SITE PLAN REVIEW

In reviewing a site plan, the Planning Commission shall determine whether the applicant has established that the site plan is consistent with this Ordinance and in accordance with the adopted plan of the township, and more specifically:

- A. The movement of vehicular and pedestrian traffic within the site and in relation to access streets will be safe and convenient.
- B. That the site plan is harmonious with, and not injurious or objectionable to, existing and projected uses in the immediate area.
- C. That the site plan shows the use will be adequately served by necessary improvements, including but not limited to, sewage collection and treatment, potable water supply, storm drainage, lighting, roads, and parking. The peak rate of stormwater runoff from the site shall not increase as a result of the proposed development.
- D. That the site plan is adequate to provide for the health, safety, and general welfare of the persons and property on the site and in the neighboring community.

17.06 REGULATIONS

The following regulations shall apply to all land uses, with the exception of Mobile Home Parks that are regulated pursuant to Act 96 of the Public Acts of 1987:

- A. The secretary of the Planning Commission shall not sign the approved site plan until the applicant has submitted three (3) copies of all permits which may be required by the county or the state for the construction of the use, such as but not limited to, permits for onsite wastewater disposal, and permits required under the Soil Erosion and Sedimentation Act, Act 347 of P.A. of 1972, the Inland Lakes and Streams Act, Act 356 of P.A. of 1972, and the Wetland Protection Act, Act 203 of P.A. of 1979.
- B. No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires a site plan approval until and approved site plan has been signed by the secretary of the Planning Commission.
- C. The zoning administrator shall not issue a zoning permit for any use requiring site plan approval until an approved site plan has been signed by the secretary of the Planning Commission.
- D. The building inspector shall not issue a building permit for any use requiring site plan approval until and approved site plan has been signed by the secretary of the Planning Commission.

Chapter 18
Administration and Enforcement

18.01 ZONING ADMINISTRATOR

- A. The provisions of this Ordinance shall be administered and enforced by the zoning administrator.
- B. The zoning administrator shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine.

18.02 ZONING PERMITS

- A. No building, structure, or dwelling unit shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, and no land shall be used, unless an application for a zoning permit shall be made in writing and upon printed forms furnished by the township. A zoning permit issued by the zoning administrator is nontransferable and must be obtained before any work, excavations, erection, alteration, or movement is commenced. Satisfactory evidence of ownership of the lot or premises may be required by the zoning administrator and shall be furnished upon request.
- B. Prior to receiving a zoning permit, the applicant shall present to the zoning administrator written documentation from the Hillsdale County Health Department that the proposed onsite waste treatment facility is approved or that onsite waste treatment is not required.

18.03 CONTENTS OF APPLICATION

- A. Each application for a zoning permit shall include such reasonable information as may be requested by the zoning administrator in order to determine compliance with the terms and provisions of this Ordinance, and shall include the following information:
 - 1. The location and actual dimension of the lot or premises to which the permit is to apply.
 - 2. The location of all driveways.
 - 3. The width of all abutting streets.
 - 4. The area, size, and location of all buildings or structures to which the permit is to apply.
 - 5. The type of use to be made of the building, structure, or land to which the permit is to apply.
 - 6. The use of buildings, structures, or land on adjoining properties.
 - 7. The estimated cost of the building or structure.
- B. The zoning administrator may waive the inclusion of any of the foregoing information in an application if it is determined that such information is not reasonably necessary to determine compliance with the terms and provisions of this Ordinance.

18.04 ACCESSORY BUILDINGS OR STRUCTURES

Accessory buildings or structures, when erected, moved, placed, reconstructed, extended, enlarged, or altered, at the same time as the principal building on the same lot or premises and when shown on the application for the zoning permit for the principal building, shall not require the issuance of a separate zoning permit. A separate zoning permit shall be required if any accessory building or structure is erected, moved, placed, reconstructed, extended, enlarged, or altered separately or at a different time than the principal building on the same lot or premises, provided it is 101 square feet or larger.

18.05 PERMIT PROCESS

- A. When the terms and provisions of this Ordinance require authorization by the Planning Commission by special land use permit and such authorization is given, then both copies of the zoning permit shall be marked approved by the secretary of the Planning Commission in addition to being marked as provided above by the zoning administrator.
- B. Within 10 days after the receipt of any application, the zoning administrator shall either (1) issue a permit if the proposed work is in conformance with the terms and provisions of this Ordinance; or (2) deny issuance of a permit and state the reason(s) or cause(s) for such denial in writing. In each case, the permit or the written reason(s) or cause(s) for denial shall be transmitted to the owner or his agent.
- C. A permit for any building or structure for which all construction work has not been completed within one year from the date of issuance shall expire automatically. A permit expiring automatically pursuant to this subsection shall, upon reapplication. Be renewable for additional fee equal to one-half of the original fee.
- D. The zoning administrator shall have the power to revoke and cancel any permit in the event of failure or neglect to comply with all of the terms and provisions of this Ordinance or in the event of any false permit. Notice of such cancellations and revocation shall be securely posted on the construction, such posting to be considered as service upon and notice to the permit holder of the cancellation and revocation of the permit.

18.06 FEES

The Township Board shall establish a schedule of fees for administering this Ordinance. The schedule of fees shall be posted on public display in the township office and the office of the township clerk and zoning administrator, and may be changed only by the Township Board. No permit or certificate shall be issued unless such fees have been paid in full.

Chapter 19

Zoning Board of Appeals

19.01 CREATION

- A. The Board of Appeals shall be comprised of five (5) members. The first member of the Board of Appeals shall be a member of the Township Planning Commission. The remaining members shall be selected from the electors of the township residing outside of incorporated cities and villages. The members shall be representative of the population distribution and of the various interests present in the township. One member may be a member of the Township Board. An elected officer of the township shall not serve as Chairman of the Board of Appeals. An employee or contractor of the Township Board may not serve as a member of the Board of Appeals.
- B. The term of each member shall be three (3) years, except that of the members first appointed, two (2) shall serve for two (2) years and the remaining member for three (3) years. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
- C. The Board of Appeals shall not conduct business unless a majority of the member of the board are present.

19.02 JURISDICTION AND POWERS

The Board of Appeals shall have all powers and jurisdiction granted by the Township Rural Zoning Act, all powers and jurisdiction prescribed in other chapter of the Ordinance, and the following specific powers and jurisdiction.

19.03 MEETINGS

Meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the board in its rules of procedure may specify. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. The board shall maintain a record of its proceedings which shall be filed in the office of the township clerk and shall be a public record.

19.04 APPEALS

- A. The Board of Appeals shall act upon the questions as they may arise in the administration of the Zoning Ordinance, including the interpretation of the zoning maps, and may fix rules to govern its own procedures. It shall hear and decide appeals from and review any order, requirements, decision, or determination made by the administrative official or body charged with enforcement of this Ordinance. It shall hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.
- B. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or decide in favor of the applicant any matter upon which they are required to pass under or to effect variation in this Ordinance. The appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the township, county, or state. The Board of Appeals shall state the grounds of each determination. Any party aggrieved by a decision of the zoning board of appeals may appeal to the circuit court for the county in which the property is located.

- C. The Board of Appeals shall fix a reasonable time for hearing the appeal, give due notice thereof to the parties, and decide the appeal within a reasonable time. At the hearing, a party may appear in person or by agent or by attorney. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer or body from whom the appeal was taken, and may issue or direct the issuance of a permit.

19.05 PUBLIC HEARINGS

- A. When an application for hearing or appeal has been filed in proper form and the required fee paid, the secretary of the board shall immediately place the same upon the calendar for hearing and serve required notices. Notice shall be published once in a newspaper of general circulation in the township no less than (15) days or more than thirty (30) days prior to such hearing. Copies of such notice shall be served upon the applicant and the zoning administrator or other administrative officers from whom such appeal is taken. A like notice shall be sent at least fifteen (15) days nor more than thirty (30) days prior to the hearing to all owners or occupants of the property within three hundred feet (300') of the premises involved by regular U.S. mail and addressed to the last known address of such owners or occupants as determined by the township records. The notice will also describe the nature of the request and indicate the property.
- B. State when and where the request will be considered.
- C. Indicate when and where written comments will be received concerning the request.
- D. The secretary shall record the grounds for each decision. The board shall render its decision upon any matter within sixty (60) days after the matter is heard. A copy of each decision shall be sent to the zoning administrator, township clerk, building inspector, Planning Commission and the applicant. No building permit shall be issued by the building inspector until such decision is received.

19.06 VARIANCES

The board, after public hearing, shall have the power to decide applications for variances as follows:

- A. Where the literal enforcement of this Ordinance would involve practical difficulties or would cause undue hardship by reason of the exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary adjoining the premises in question.
- B. Where there is practical difficulty or unnecessary hardship in meeting the strict letter of the Ordinance so that the spirit of the Ordinance may be observed, public safety secured, and substantial justice done.
- C. Where the condition or situation of the property or the intended use of the property is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of the Ordinance.

19.07 VARIANCE STANDARDS

No variance shall be authorized unless the board finds from reasonable evidence that such variance will not be detrimental to adjacent property and will not impair the intent and purposes of the Ordinance or the public health, safety, and general welfare. In addition, the Board of Appeals must make the following findings in detail.

- A. There are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the district affected.
- B. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the district.
- C. The condition or situation of the property or the intended use is not of so general or recurrent in nature as to make reasonably practical an amendment of the Ordinance.

19.08 CONDITIONS OF APPROVAL

Reasonable conditions may be required with the approval of a variance by the Board of Appeals and for special land uses by the Planning Commission. The conditions may include, but are not limited to, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable to accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare, and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, or the community as a whole.
- B. Be related to the valid exercise of the police power.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

Chapter 20 Ordinance Amendment

20.01 INITIATION OF AMENDMENTS

Amendments to this Ordinance may be initiated by the Planning Commission by resolution or by an interested person or persons by petition to the Planning Commission and shall comply with Article IV of Act 110 of 2006.

20.02 AMENDMENT PETITION PROCEDURE

All petitions for amendment to this Ordinance shall be in writing, signed, and filed with the township clerk for presentation to the Planning Commission. Such petitions shall include the following:

- A. The petitioner's name, address, and interest in the petition as well as the name, address, and interest of every person having a legal or equitable interest in any land which is to be rezoned.
- B. The nature and effect of the proposed amendment.
- C. If the proposed amendment would require a change in the zoning map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private right-of-way and easements bounding and intersecting the land to be rezoned.
- D. The alleged error, if any, in the Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same.
- E. The changed or changing conditions in the area or in the township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
- F. All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.

20.03 AMENDMENT PROCEDURE

After initiation, amendments to this Ordinance shall be considered as provided for and shall comply with Article IV of the Michigan Zoning Enabling Act, Act 110 of 2006.

20.04 STANDARDS FOR APPROVAL

In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition. The facts to be considered by the Planning Commission shall include, but shall not be limited to, the following:

- A. Whether or not the requested zoning change is justified by a change in conditions since the original Ordinance was adopted or by an error in the original Ordinance, and whether the property can reasonably be used for uses permitted within the district it is located.

- B. The precedents and the possible effects of such precedents which might result from approval or denial of the petition.
- C. The capability of the township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.
- D. Effect of approval of the petition on the condition and/or value of property in the township or in adjacent civil divisions.
- E. Effect of approval of the petition on adopted master plans or development policies of Adams Township and other governmental units.

All findings of fact shall be made a part of the public records of the meetings of the Planning Commission.

Chapter 21 Penalties

21.01 PENALTIES

- A. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained, or used, or any use of a lot or land which is begun, maintained, or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se.
- B. Any person who violates, disobeys, omits, neglects, or refused to comply with, or resists the enforcement or any term or provision of this Ordinance or any amendment thereof, shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred (\$500.00) dollars or shall be imprisoned in the Hillsdale County Jail for not more than ninety (90) days, or both such fine and imprisonment in the discretion of the court. Each and every day during which any violation continues shall be deemed a separate offense. The duly authorized attorney for the township is empowered to prosecute such violations.

21.02 PROCEDURE

The Township Board, Planning Commission, Board of Appeals, zoning administrator, the duly authorized attorney for the township, the prosecuting attorney for Hillsdale County, or any owners or occupants of any real estate within the township may institute appearance tickets, injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and addition to all other remedies provided by law.

Chapter 22
Miscellaneous Provisions

22.01 ADMINISTRATIVE LIABILITY

No officer, agent, employee, or member of the Planning Commission or Board of Appeals shall be held personally liable for any damage that may accrue to any person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of his/her duties and responsibilities pursuant to this Ordinance.

22.02 SEVERABILITY

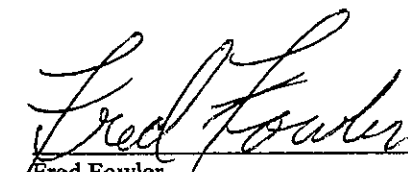
This Ordinance and the various parts, sections, subjects, paragraphs, sentences, phrases, and clauses thereof are hereby declared to be severable, if any part, section, subsection, paragraph, sentence, phrase, or clause is adjusted unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

22.03 NOTICE OF ADOPTION

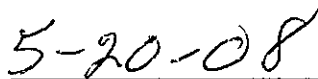
One notice of adoption of this ordinance or any subsequent amendments shall be published in a newspaper of general circulation in the township within fifteen (15) days after adoption by the Township Board. The notice of adoption shall meet the provisions of the Michigan Zoning Enabling Act 110 of 2006.

22.04 EFFECTIVE DATE

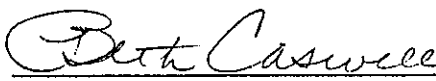
This Zoning Ordinance was approved by the Township Board on July 8, 1991, as amended through April 14, 2008, and is ordered to take immediate effect.



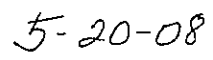
Fred Fowler
Township Supervisor



Date

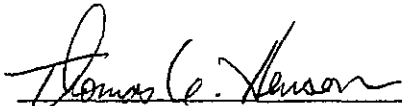


Beth Caswell
Township Clerk



Date

Recommended by Adams Township Planning Commission.



Tom Henson, Chairperson

MAY 20 2008
Date

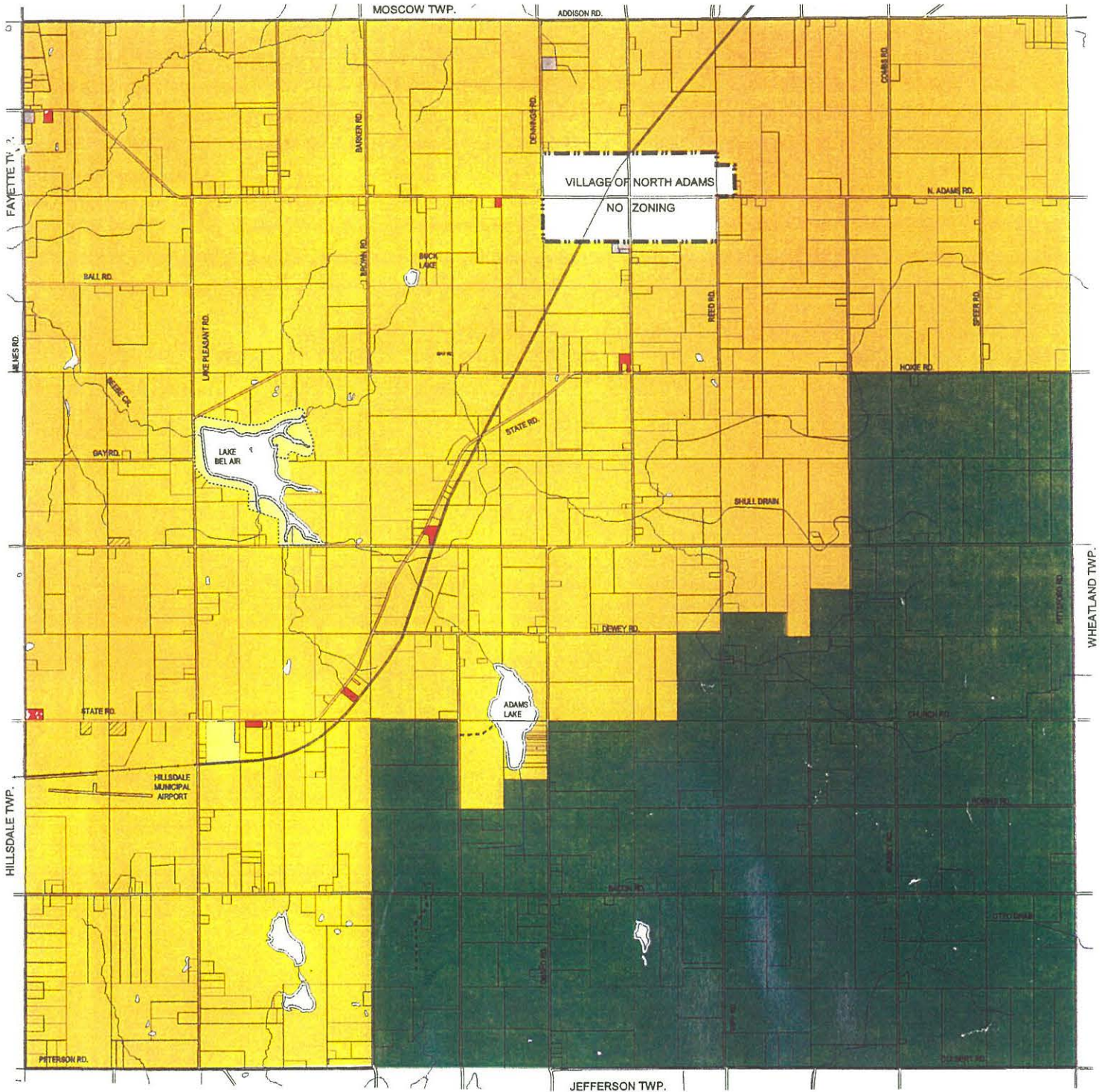
Date Adopted: July 8, 1991

Effective Date: July 8, 1991

Notice of
Adoption Published: July 18, 1991

Amended Though April 14, 2008

July 8, 1991
Effective Date



THE ZONING MAP OF THE TOWNSHIP OF ADAMS HILLSDALE COUNTY, MICHIGAN

ZONING LEGEND

-  AGRICULTURAL - RESIDENTIAL
-  RURAL - RESIDENTIAL
-  RESIDENTIAL
-  COMMERCIAL
-  INDUSTRIAL



No Scale

DATE: APRIL 8, 1997

PROGRESSIVE

ARCHITECTURE
ENGINEERING
PLANNING

1811 4 MILE RD NE GRAND RAPIDS, MICHIGAN 49505-2442
616-361-2864 FAX: 616-361-7493

EFFECTIVE DATE: _____

THIS IS TO CERTIFY THAT THIS IS THE
OFFICIAL ZONING MAP REFERRED TO
IN THE ADAMS TOWNSHIP ZONING
ORDINANCE OF _____

BRUCE CASWELL, SUPERVISOR DATE

BETH CASWELL, CLERK DATE

ERNEST MING, PLANNING COMMISSION CHAIRMAN DATE