

COLFAX TOWNSHIP ZONING ORDINANCE

COLFAX TOWNSHIP BOARD (2019)

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COLFAX TOWNSHIP ZONING ORDINANCE

Ordinance No. _____

Colfax Township Huron County, Michigan

THE TOWNSHIP OF COLFAX ORDAINS:

Preamble

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

Article I Title and Purpose

Section 100 Title

This Ordinance shall be known and may be cited as the COLFAX TOWNSHIP ZONING ORDINANCE.

Section 101 Purpose

The purposes of this ordinance are as follows:

1. To meet the needs of the citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land;
2. To ensure that use of land shall be situated in appropriate locations and relationships;
3. To limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities;
4. To facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements;
5. To promote public health, safety, and welfare.

Section 102 Authority

This Ordinance is adopted, administered and enforced under the authority of the Michigan Zoning Enabling Act, MCL 125.3101 et seq. It also advances the goals and objectives of the Master Plan adopted under the authority of the Michigan Planning Enabling Act, MCL 125.3801 et seq.

Section 103 Relationship to Federal, State and Local Law or Regulation

It shall be unlawful for any person or business to engage in any activity, conduct, use or venture in the Township that is contrary to federal, state or local law or regulation.

Section 104 Validity

This Ordinance and its component parts are declared to be severable. If any part is judged unconstitutional or invalid, the remainder of this Ordinance shall not be affected. The Township Board declares that it would have passed this Ordinance and each part irrespective of the fact that any one or more parts are declared invalid.

Section 105 Conflicts

If any requirements of this chapter are found not to be consistent with the requirements of other lawfully adopted rules, regulations, or ordinances, then, except as provided in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, the provisions of this chapter control. Any use that is illegal under state and federal law is illegal in the Colfax Township under this Ordinance.

Article II Interpretation of Ordinance Language

In order to clarify the intent of the provisions of this Ordinance, the following rules shall apply, except when clearly indicated otherwise.

1. The particular shall control over the general.
2. The words “shall” and “will” are always mandatory and never discretionary. The word “may” is permissive.
3. Words used in the present tense shall include the future; words in the singular number shall also denote the plural and the plural shall also denote the singular.
4. A “building” or “structure” includes any part thereof.
5. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
6. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms “and,” “or”, “either or”, such conjunction shall be interpreted as follows:

- A. “And” denotes that all the connected items, conditions, provisions, or events apply in combination.
 - B. “Or” indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
7. The term “person” or “entity” shall mean an individual, partnership, corporation or other association or their agents.
 8. “Township” shall refer specifically to Colfax Township.
 9. Terms not defined shall be assumed to have the meaning customarily assigned them.
 10. The Colfax Township Zoning Board of Appeals shall have jurisdiction to provide any necessary interpretation of this Ordinance.

Definitions

1. **Accessory Building or Structure:** A customarily incidental and subordinate building or structure on the same lot as the main building occupied by or devoted exclusively to an accessory use, but not for dwelling, lodging, or sleeping purposes. Where an accessory building is attached to a main building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the main building.
2. **Accessory Use:** A use customarily incidental and subordinate to the main use of the land or building.
3. **Adult Arcade:** Any place to which the public is permitted or invited where coin-operated or slug-operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing Specified Sexual Activities or Specified Anatomical Areas.
4. **Adult Bookstore or Adult Video Store:** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:
 - A. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
 - B. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises thirty-five percent (35%) or more of sales volume or occupies thirty-five percent (35%) or more of the floor area or visible inventory within the establishment.

5. **Adult Cabaret:** A nightclub, bar, restaurant, or similar commercial establishment that regularly features:
 - A. Persons who appear in a state of nudity;
 - B. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
 - C. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
 - D. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience of customers.
6. **Adult Foster Care Facility:** A governmental or nongovernmental establishment subject to licensing under the Adult Foster Care Facility Licensing Act (PA 218 of 1979, MCL 400.701 et seq) that provides foster care to adults, including adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care.
7. **Adult Motel:** A hotel, motel, or similar commercial establishment that:
 - A. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
 - B. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 - C. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

8. **Adult Motion Picture Theater:** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
9. **Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
10. **Agriculture:** The use of land or tilling of the soil, raising of trees or field crops or animal husbandry, as a source of significant income.
11. **Agricultural Land:** Substantially undeveloped land devoted to the production of plants and animals useful to humans, including forage and sod crops; grains, feed crops and field crops; dairy products; poultry and poultry products; livestock, including the breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.
12. **Airport:** A parcel of land and accommodating service and/or storage buildings utilized for airplane traffic. An airport may include taxi strips, parking aprons, necessary weather indicators, and appropriate lighting.
13. **Alley:** A public way which affords a secondary means of access to abutting property but is not intended for general traffic circulation.
14. **Alteration:** Any change, addition, or modification in construction or type of use of occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to as “altered” or “reconstructed.”
15. **Ambient:** Ambient is defined as the sound pressure level exceeded 90% of the time or L90.
16. **Ancillary Solar Equipment:** Any accessory part or device of a solar energy conversion system that does not require direct access to sunlight, such as batteries, electric meters, converters, or water tanks.
17. **ANSI:** American National Standards Institute.
18. **Automobile Service Station:** A building or portions thereof, the primary purpose of which is that of gasoline service station and: the general maintenance, repair, rebuilding, or reconditioning of motor vehicles or engines; collision repair, such as body, frame, or fender straightening and repair of motor vehicles; overall painting and vehicle rust-proofing; refinishing or steam cleaning of motor vehicles. If a purpose of the building or portions thereof, also includes washing or cleaning motor vehicles, same shall be considered an Automobile Service Station unless and until the primary purpose of such building or

portions thereof become washing and cleaning motor vehicles, at which time it shall be considered an Automobile Wash Establishment.

19. **Automobile Sales Area:** Any space used for display, sale, or rental of motor vehicles, in new or used and operable condition.
20. **Automobile Wash Establishment:** A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.
21. **Average:** For the purpose of this Ordinance, the term, “average” will be an arithmetic mean.
22. **Basement:** That portion of a building that is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story (see Figure 1).
23. **Bed and Breakfast Operation:** See definition for tourist home.
24. **Bedroom:** A dwelling room used or intended to be used by human beings for sleeping purposes.
25. **Billboard:** A structure upon which a sign or advertisement is displayed for the purpose of informing the general public, but not including bulletin boards used to display official court or public office notices.
26. **Board of Appeals:** As used in this Ordinance, this term means the Colfax Township Zoning Board of Appeals.
27. **Boarding, Lodging, or Rooming House:** A building other than a hotel where for more than twenty (20) days a year lodging, meals, or both are offered to more than three (3), but less than twenty-one (21) persons at a time for compensation.
28. **Building:** Any structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, or property of any kind.
29. **Buildable Area:** The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been complied with.
30. **Building Height:** The building height is the vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of a mansard roofs; and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs. When the terrain is sloping, the ground level is measured at the average wall line (see Figure 2).

31. **Campgrounds:** Any parcel or tract of land, under the control of any person where sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for five (5) or more recreational units.
32. **Child Care Center or Day Care Center:** A facility, other than a private residence, that provides care for seven or more preschool or school age children, as defined by Michigan Public Act 116 of the Public Acts of 1973, as amended, pertaining to the regulation of Child Care Organizations.
33. **Church:** See Place of Worship.
34. **Clinic:** A building or group of buildings where human patients are admitted for examination and treatment by more than one professional, such as a physician, dentist, or the like, except that human patients are not lodged overnight.
35. **Club:** Buildings and facilities owned or operated by corporation, association, person, or persons, for social, educational, or recreational purposes.
36. **Commercial Bulk Storage:** A place where crude petroleum, gasoline, naphtha, benzyl, kerosene, benzene, or any other liquid are stored for wholesale purpose, where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.
37. **Condominium Unit:** That portion of a condominium subdivision designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed. A condominium unit is not a lot or parcel as those terms are used in this Ordinance, unless the condominium unit is a site condominium unit, which is a single family, totally detached dwelling, with no shared garages or any other attached buildings, that is encumbered by a declaration of condominium covenants or condominium form of ownership, or a building site therefore.
38. **Conservation Easement:** That term as defined in MCL 324.2140(a), of the Natural Resources and Environmental Protection Act (NREPA).
39. **dB(A):** The sound pressure level in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
40. **Decibel:** The unit of measure used to express the magnitude of sound pressure and sound intensity.
41. **Decommissioning:** The planned shut down and/removal of a solar or wind energy conversion system from operation or usage.
42. **Drive-Through Business:** Any restaurant, bank, or business with an auto service window.

43. **Dwelling or Dwelling Unit:** Any structure erected on site, a mobile home, or a pre-manufactured or pre-cut structure, designed or used exclusively for residential purposes that has sleeping, living, cooking and sanitary facilities and can accommodate one (1) family, either permanently or transiently, and complying with the following standards:
- A. It contains a minimum area of 1000 square feet of habitable living area or such greater area as may be required in the district where it is located.
 - B. It complies in all respects with the Michigan Construction Code, as amended, including minimum height for habitable rooms. Where a dwelling is required by law to comply with any Federal or State standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan Construction Code, then applicable Federal or State standards or regulations shall govern.
 - C. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan Construction Code and shall have a foundation wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's set up instructions, shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission, and shall have a perimeter wall as required above.
 - D. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels; axle and towing mechanism removed and shall have no exposed undercarriage or chassis.
 - E. The dwelling is connected to a public sewer and water supply or to such other private facilities as approved by the local Health Department.
 - F. The dwelling has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains permanently attached steps connected to said door areas where a difference in elevation requires the same.
 - G. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure and in compliance with the Michigan Construction Code, including permanent attachment to the principal structure and construction of a perimeter foundation as required herein.
 - H. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home, shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as

promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

- I. The dwelling shall have a minimum width and length along its front, sides, and rear of twenty (20) feet and shall have overhangs not less than 6” on all sides.
- J. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State or Federal law or otherwise specifically required herein.
- K. All construction required herein shall be commenced only after a site permit and building permit have been obtained in accordance with the applicable provisions and requirements of the Township.

In the case of buildings that are occupied in part for residential purposes, the portion occupied shall be considered a dwelling or dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling or dwelling unit.

- 44. **Dwelling, Single-Family:** A detached building containing not more than one (1) dwelling unit designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.
- 45. **Dwelling, Two-Family:** A building containing not more than two (2) separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.
- 46. **Dwelling, Multiple-Family:** A building containing three (3) or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.
- 47. **Efficiency Unit:** A dwelling unit for one individual or small family consisting of one (1) room, exclusive of bathroom, hallway, closets, and the like providing not less than three hundred and fifty (350) square feet of usable floor area.
- 48. **Erected:** Includes built, constructed, reconstructed, extension, enlargement, moved upon, or any physical operation on the premises intended or required for a building or structure. Excavation, fill, drainage, and general land improvements that are not required for a building or structure, shall not be considered to fall within this definition.
- 49. **Essential Services:** The phrase “essential services” means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, supply or disposal systems, including mains, drains,

sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Telecommunication towers or facilities, alternative tower structures, water towers, wireless communication antennas, wind energy conversion systems, electric transmission towers, water or sewage treatment plants, electric substations, gas regulator stations, and other major public utility structures are not included within this definition.

50. **Excavating:** The removal of sand, stone, gravel, clay, or soil.
51. **Family:** A group of two or more persons related by blood, marriage, or adoption, including foster children, together with not more than one additional person not related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit.
52. **Family Child Care or Family Day Care Home:** A private home in which one to six minor children receive care and supervision, as defined by Michigan Public Act 116 of 1973, as amended, pertaining to the regulation of Child Care Organizations.
53. **Farm:** All of the contiguous neighboring or associated land operated as a single unit on which bona fide agriculture is carried on directly by the owner-operator, manager, or tenant farmer by his own labor or with the assistance of members of his household or hired employees.
54. **Farm Operation:** Operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with commercial production, harvesting, and storage of farm products, as defined under the Right to Farm Act, Public Act 93 of 1981.
55. **Fence:** Any permanent or temporary means, partition, structure or gate erected as a dividing structure, barrier, or enclosure, and not part of a structure requiring a building permit.
56. **Garage:** A building used primarily for the storage of vehicles for the use of the occupants of a lot on which such building is located.
57. **Gas and Oil Processing Facilities:** Any facility and/or structure used for, or in connection with, the production, processing or transmitting of natural gas, oil, or allied products or substances, and the injection of same into the ground for storage or disposal, not under the exclusive jurisdiction or control of the Geological Survey Division, Department of Environmental Quality or Public Service Commission; not including industrial facilities such as cracking plants, large oil storage facilities and heavy industrial operations and facilities.

58. **Gasoline Service Station:** Any land, building or structure used for sale or retail of motor vehicle fuels, oils, or accessories, or installing or repairing parts and accessories, but not including repairing or replacing of motors, doors, or fenders, or painting motor vehicles.
59. **Grade:** The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
60. **Gravel Pit:** A place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral, or other material is being or has been removed by means of an open excavation.
61. **Greenbelt:** A strip thirty-five (35) feet wide parallel to the bank of a stream or lake maintained in trees and shrubs or in its natural state to carry out the requirements of this Ordinance.
62. **Greenway:** A contiguous or linear open space, including habitats, wildlife corridors, and trails that link parks, nature preserves, cultural features, or historic sites with each other, for recreational and conservation purposes.
63. **Ground Floor Area:** The square footage of floor space measured from exterior to exterior wall, but not including enclosed and unenclosed porches, breezeways, garages, attic, basement, and cellar area (see **Figure 3**).
64. **Group Day Care Home:** A private home in which 7 to 12 minor children receive care and supervision, as defined by Michigan Act 116 of the Public Acts of 1973, as amended, pertaining to the regulation of Child Care Organizations.
65. **Guest House:** A building which is on the same lot or building site as the principal dwelling and is used for the accommodation of guests of the occupants of the dwelling.
66. **Habitable Structure:** Any existing structure usable for living or non-agricultural commercial purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by this definition, the Zoning Administrator shall make a determination of whether any structure is habitable.
67. **Hazardous Substances:** Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance.
68. **Home Occupation:** An occupation, profession, activity, or use that is clearly an incidental or secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

69. **Hospital:** An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, clinics and staff offices.
70. **Hotel:** A building containing five (5) or more sleeping rooms, occupied or used predominantly as a temporary abiding place by individuals or groups of individuals, with or without meals, and in which rooms there is no facility for cooking.
71. **IEC:** International Electrotechnical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.
72. **Industrial Park:** A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.
73. **Intensive Livestock Operation:** Any farm or farm operation engaged in raising, breeding, or feeding beef or dairy cattle, horses, swine, sheep, goats, poultry/fowl, turkeys/ducks, or other livestock in concentrations of 500 or more animal units, including any buildings, structures, excavations, or enclosed areas directly involved therein, including land used for pasture or feedlot purposes, and any animal waste storage structures, excavations, or areas directly connected to or associated with such operations.
74. **ISO:** International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.
75. **Junkyard:** The use of premises or building for storage or abandonment, keeping, collecting, bailing, of inoperable automobiles, trucks, tractors and other such vehicles and parts thereof, scrap building materials, scrap contractor's equipment, tanks, cases, barrels, boxes, piping, bottles, drums, glass, rags, machinery, scrap iron, paper and any other kind of scrap or waste material.
76. **Kennel, Commercial:** Any lot or premises on which four (4) or more dogs or cats, four (4) months of age or older are kept temporarily or permanently for the purpose of breeding or boarding for a fee.
77. **Loading Space:** An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking.
78. **Lot:** The parcel of land occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required

by this Ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane (see **Figure 4**).

79. **Lot, Corner:** A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less (see **Figure 5**).
80. **Lot Coverage:** The part or percent of the lot occupied by buildings or structures including accessory buildings or structures.
81. **Lot Depth:** The horizontal distance between front and rear lot lines, measured along the median between side lot lines.
82. **Lot, Double Frontage:** A lot other than a corner lot having frontage on two (2) more or less parallel streets.
83. **Lot, Interior:** A lot other than a corner lot with only one (1) lot line fronting on a street.
84. **Lot Lines:** The property lines bounding the lot.
 - A. **Front Lot Line:** In the case of an interior lot abutting upon one public or private street, the front lot line shall be the line separating such lot from the street right-of-way. In the case of a corner lot, the front lot lines shall be the lines separating said lot from both streets. In case of a row of double frontage lots, one street shall be designated as the front street for all lots in the plat and in the request for zoning permit. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front. In the case of a lot having frontage upon a lake, river, or stream, the water frontage shall be considered the front lot line (see **Figure 6**).
 - B. **Rear Lot Line:** The lot line being opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
 - C. **Side Lot Line:** Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
85. **Lot of Record:** A parcel of land defined by a legal description and recorded in the office of the Huron County Register of Deeds on or before the effective date of this Ordinance or any predecessor of this Ordinance.
86. **Lot, Waterfront:** A lot having frontage directly upon a river, stream, or a natural or manmade lake. The portion adjacent to the water is considered the front of the lot.

87. **Lot Width:** The horizontal distance between the side lot lines, measured at the two (2) points where the building setback line intersects the side lot line.
88. **Lot, Zoning:** A contiguous tract of land which at the time of filing for a zoning permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership.
89. **Manufactured Home:** Factory-built single-family structure that is manufactured under the authority of 42 U.S.C., Sections 5401 to 5426 (National Manufactured Home Construction and Safety Standards Act 1974), is transportable in more than one section, is built on a permanent chassis and does not have hitch, axles, or wheels permanently attached to the body frame, commonly referred to as a “double-wide.”
90. **Master Plan or Comprehensive Plan:** The statement of policy by the Township Planning Commission relative to the agreed-upon desirable physical pattern of future community development. It consists of a series of maps, charts, and written material representing in summary form the community’s conception of how it should grow in order to bring about the very best community living conditions.
91. **Mobile Home:** Factory-built single-family structure that is manufactured under the authority of 42 U.S.C., Sections 5401 to 5426 (National Manufactured Home Construction and Safety Standards Act 1974), is transportable in one section, is built on a permanent chassis and does not have hitch, axles, or wheels permanently attached to the body frame, commonly referred to as a “single-wide.
92. **Mobile Home Park:** A parcel of land that has been planned and improved for the placement of three (3) or more mobile homes for residential dwelling use.
93. **Mobile Home Site:** A plot of ground within a mobile home park designed for the accommodation of one mobile home.
94. **Motel or Motor Court:** A series of attached, semi-detached or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.
95. **Motor Home:** See Recreational Vehicle definition.
96. **Native Vegetation Strip:** See Greenbelt definition.
97. **Non-Conforming Use:** A use which lawfully occupied a building or land at the effective date of this Ordinance or its predecessor Ordinance or Amendments that does not conform to the use regulations of the Zoning District in which it is located.
98. **Non-Participating Parcel:** A property within Colfax Township that is not subject to a wind turbine lease or easement agreement at the time an application is submitted for a Special Land Use for the purposes of constructing a Wind Park.

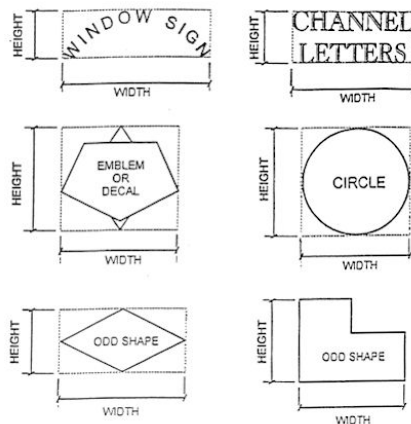
99. **Nude Model Studio:** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
100. **Nudity or a State of Nudity:** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
- A. A woman breastfeeding a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
 - B. Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
 - C. Sexually explicit visual material as defined in section 3 of Act No. 33 of Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.
101. **Nursery, Plant Materials:** A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery does not include space used for the sale of fruits or vegetables.
102. **Off Street Parking Lot:** A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted access and egress to at least two (2) vehicles.
103. **On-Site Use WECS:** An On-Site Use WECS is intended to primarily serve the needs of the consumer upon whose property the WECS is located.
104. **Open Air Business:** Includes any use operated for profit, substantially in the open air, including:
- A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair or rental services.
 - B. Outdoor display and sale of garages, motor homes, mobile home, snowmobiles, farm implements, swimming pools and similar activities.
 - C. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, top-soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.

- D. Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, children's amusement park or similar recreation uses.
105. **Open Space Preservation Residential District or "OSPRD"**: A rural residential development wherein two or more dwelling units are placed together into one or more groupings within a defined project area. The dwelling units are separated from adjacent properties and the groupings by greenway that is perpetually protected from development and remains in an undeveloped state.
106. **Park**: Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, which are open to the general public for recreational purposes.
107. **Parking Space**: An area of definite length and width exclusive of drives, aisles, or entrances, giving access thereto, and fully accessible for the storage or parking of permitted vehicles.
108. **Participating Parcel**: A property within Colfax Township that participates in a lease or easement agreement, or other contractual agreement, with an entity submitting a Special Land Use Permit application for the purposes of developing of a Wind Park.
109. **Pick-up Camper**: See Recreational Vehicle definition.
110. **Pit**: See Gravel Pit definition.
111. **Place of Worship**: A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.
112. **Planned Unit Development (PUD)**: Land under unified control which allows a development to be planned and built as a unit and which permits upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development.
113. **Pond**: An artificially or naturally confined body of still water, excluding swimming pools.
114. **Porch, Enclosed**: A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.
115. **Porch, Unenclosed**: A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said

building or structure and has a separate roof or integral roof with principal building or structure to which it is attached.

116. **Principal Use:** The main use of land or structures, as distinguished from a secondary or accessory use.
117. **Professional Office:** The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent, and the like.
118. **Public Sewer Systems:** A public sewer system shall be defined as a central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid waste of such a nature as to be capable of adversely affecting the public health operated and maintained by the general public.
119. **Public Utility:** Any person, firm, corporation, municipal department board, or commission fully authorized to furnish and furnishing, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water services, or sewage disposal.
120. **Quarry Excavation:** Any breaking of the ground to hollow out by cutting or digging or removing any soil or rock matter, except common household gardening and general farm care. (See also Excavating.)
121. **Recreational Vehicle:** A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and tent trailers; PROVIDED, however, that any such vehicle or unit which is forty (40) feet or more in overall length and connected to water or sewer facilities shall be considered a mobile home and shall be subject to all regulations of this Ordinance applicable to a mobile home.
122. **Residence:** An existing structure usable for living purposes; a place where someone lives that is in compliance with the Colfax Township Zoning Ordinance and the Huron County Building Code.
123. **Resort:** A recreational lodge, camp or facility operated for gain, and which provides overnight lodging and one or more of the following: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming, hunting and fishing and related or similar uses normally associated with recreational resorts.
124. **Retail or Retail Stores:** Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.

125. **Roadside Stand:** An accessory farm structure operated for the purpose of selling local agricultural products, at least 50 percent (50%) of which are raised or produced on the same farm premises.
126. **Rotor:** An element of a WECS that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
127. **SCADA Tower:** A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by a supervisory control and data acquisition (SCADA) system.
128. **School:** A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.
129. **Sexual Encounter Center:** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.
130. **Sexually Oriented Business:** A business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; (8) nude model studio; or (9) sexual encounter center.
131. **Shadow Flicker:** Alternating changes in light intensity caused by the moving blade of a WECS casting shadows on the ground and stationary objects, such as a window at a dwelling.
132. **Shopping Center:** A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size, and type of shops to the trade area which the unit serves.
133. **Sign:** A name identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or piece of land and which is intended to direct attention to an object, product, place, activity, person, institution, organization or business. However, a “sign” shall not include a sign located completely within an enclosed building.



For the purpose of this ordinance, the following sign or sign-related terms are defined:

- A. AREA OF SIGN. The entire area within a circle, triangle, parallelogram; or other geometric configuration enclosing the extreme limits; or writing representation emblem or any figure; or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed and any numbers displaying the address of the use.
- B. ELECTRIC SIGN. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.
- C. ELECTRONIC MESSAGE BOARD. Changeable copy signs in which the copy consists of an array of lights activated and deactivated simultaneously with a frequency of message change of not less than 20 seconds. Signs displaying time and temperature only may change messages with a frequency of no less than 5 seconds.
- D. FREESTANDING SIGN. A sign which is affixed to a permanent foundation, but not attached to the building. (Also “Ground Mounted” sign.)
- E. GROUND LEVEL. The elevation to be used for computing the height of signs. Defined as the roadway centerline grade elevation at its intersection with the centerline of the driveway serving the parcel which is located nearest to the sign location.
- F. ILLUMINATED SIGN. A sign that provides artificial light directly, or through any transparent or translucent material.
- G. INTEGRAL SIGN. Names of buildings or farm date of erection, monumental citations, commemorative tablets and the like, which are made an integral part of the walls of the structure (or roof for farm buildings).

- H. JOINT SIGN. A sign, which gives direction and identification to a group of adjacent businesses, whether or not under single management.
 - I. LOCATION. A lot, premises, building, wall or any place whatsoever upon which a sign is located.
 - J. MARQUEE. An identification sign attached to or made a part of a marquee, canopy, or awning projecting from and supported by the building.
 - K. PROJECTING SIGN. A sign, other than a wall sign, which projects 18” or more from and is supported by a wall of a building or structure.
 - L. ROOF LINE. This shall mean the high point of the roof or the top of the parapet, whichever forms the top line of the building silhouette and where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.
 - M. ROOF SIGN. Any sign erected, constructed, and maintained wholly upon or over the roof of any building.
 - N. SETBACK. A distance measured from the outer boundary of a parcel in which erection of a sign is not permitted. A Front Setback is measured from the edge of the right of way of any abutting roadway. A Rear Setback is measured from the property line opposite the roadway. A Side Setback is measured from any other abutting property line. Corner lots shall require two front setbacks, but only one rear setback.
 - O. SIZE OF SIGN. The size of a sign is computed as the product of its height and its width expressed in square feet. A sign shall be considered to have not more than two (2) sides, i.e., a 3-sided sign equals two (2) signs.
 - P. PORTABLE SIGN. A display, informational sign, banner, or other advertising device intended for a limited period of display, including any sign which can be physically lifted, pulled, carried, or wheeled from one location to another.
 - Q. WALL SIGN, FLAT. One affixed directly to or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than eighteen (18”) inches at all points.
134. **Sign, Animated:** Any sign having a conspicuous and intermittent variation in the illumination of the physical position of any part of the sign.
135. **Site Condominium Unit:** A single family, totally detached dwelling, with no shared garages or any other attached buildings, that is encumbered by a declaration of condominium covenants or condominium form of ownership, or a building site therefor.

136. **Sign, Off Premise:** Any sign relating to subject matter not conducted on the premises on which the sign is located.
137. **Sign, On Premise:** An advertising sign relating in its subject matter to the premises on which it is located, or to products, accommodations, service, or activities on the premises.
138. **Solar Energy Conversion System:** A system (including solar collectors and ancillary equipment) that collects, stores, and distributes solar energy for heating or cooling, generating electricity, or heating water. Solar Energy Conversion Systems include, but are not limited to, photovoltaic (PV) power systems and solar thermal systems.
139. **Solar Panel Energy System:** A solar photovoltaic cell, panel, array, device or combination of devices, structure, or part thereof that collect, transfer, or transform direct solar, radiant energy into thermal, chemical or electrical energy that contribute significantly to a structure's energy supply.
140. **Sound Pressure:** Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
141. **Sound Pressure Level:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
142. **Special Use:** A use specified in a zoning district as allowed only following issuance of a special use permit.
143. **Specified Anatomical Areas:** Are defined as:
- A. Less than completely and opaquely covered human genitals, pubic regions, buttocks, anus and female breast below a point immediately above the top of the areola; and
 - B. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
144. **Specified Sexual Activities:** Means and includes any of the following:
- A. The fondling or other erotic touching of human genitals, pubic regions, buttocks or female breast;
 - B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 - C. Masturbation, actual or simulated; or
 - D. Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

145. **Stable:** A structure used to house horses for commercial purposes and located not less than one hundred fifty (150) feet from any adjoining property. For purposes of this definition, commercial purposes include riding stables, riding academies, and the breeding, raising and/or training of horses with the expectation of sale at a profit or for racing. Commercial purposes do not include the housing and training of horses by an individual, property owner, or member of his immediate family for showing or competition by the individual or member of his immediate family, provided, however, that there not be more than one horse per acre of land in the parcel.
146. **Story:** That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it (see **Figure 7**).
- A. A “mezzanine” floor shall be deemed a full story only when it covers more than fifty percent (50%) of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the next above it is twenty-four (24) feet or more.
 - B. For the purpose of this Ordinance, a basement or cellar shall be counted as a story only if over fifty percent (50%) of its height is above the level from which the height of the building is measured, or if it is used for business purposes.
 - C. An attic shall be deemed a full story when more than fifty percent (50%) of the floor area has a ceiling height of at least seven feet-six inches (7’6”).
147. **Street, Highway, Road:** A thoroughfare that affords the principal means of access to abutting property (see **Figure 8**).
148. **Structure:** Anything attached to or upon the ground, the use of which requires more or less permanent location on the ground or attachment to something having more or less permanent location on the ground.
149. **Telecommunication Towers and Facilities or Tower:** All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities that are subject to state or federal law or regulations which preempt municipal regulatory authority.
150. **Temporary Building and Use:** A structure or use permitted by this Ordinance to exist during periods of construction of the main building or for special events.

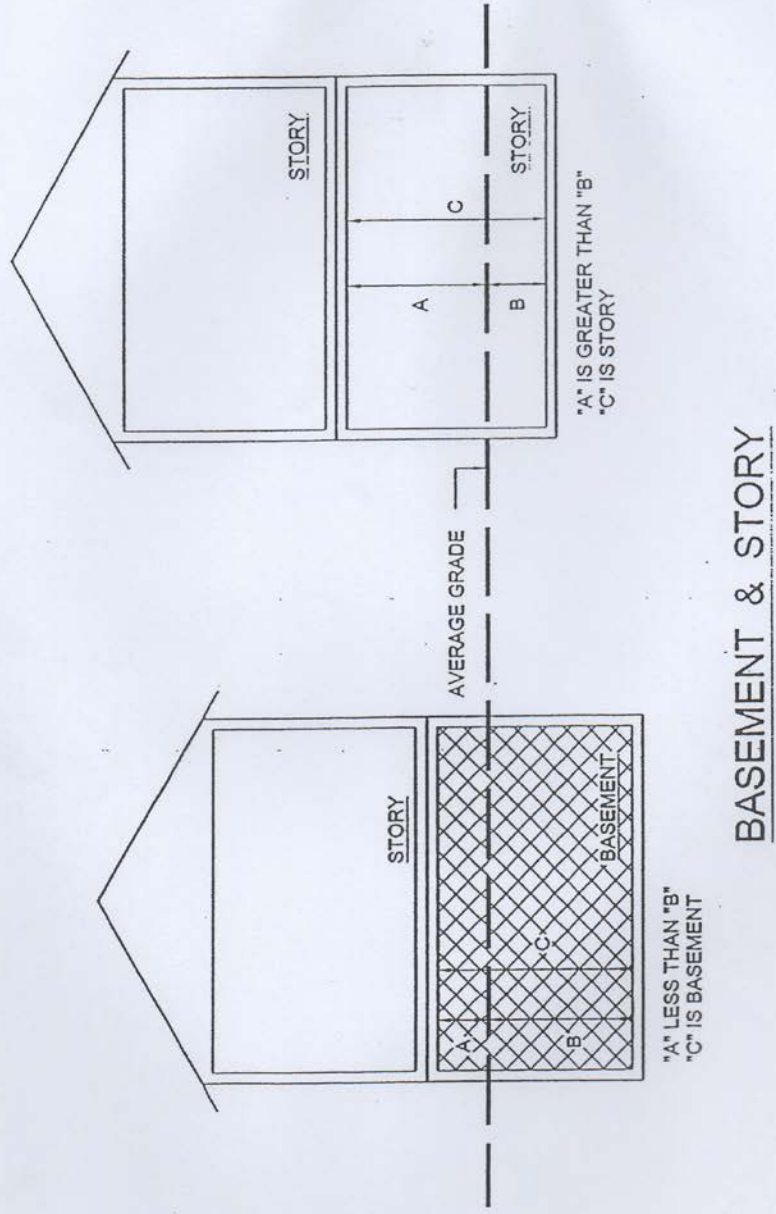
151. **Theater, Indoor:** Any building used primarily for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public, with or without charge.
152. **Theater, Outdoor:** Any other place used for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public, with or without charge, but not including athletic events.
153. **Tourist Home:** Any family occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation. For the purpose of this Ordinance, the term tourist home also includes bed and breakfast facility.
154. **Trailer Coach:** See Recreational Vehicle definition.
155. **Travel Trailer:** See Recreational Vehicle definition.
156. **Undevelopable Land:** Land which has soil types or a high-water table condition which present severe limitations on septic tanks and tile fields and on which no septic tank and tile field can be legally constructed and to which no public sewer is extended.
157. **Undeveloped State:** A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course, but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be but need not be, dedicated to the use of the public.
158. **Use:** The lawful purpose of which land or premises, or a building thereon, is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased, according to this Ordinance.
159. **Utility-Scale SECS:** A Solar Energy Conversion System where the principal design, purpose, or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.
160. **Variance:** A modification of literal provisions of this Ordinance which the Board of Appeals is permitted to grant when strict enforcement of said provision would cause undue hardship owing to circumstances unique to the individual property in which the variance is sought.
161. **Wind Energy Conversion System (WECS):** A wind-powered device for the generation of energy, commonly referred to as a wind generating tower, windmill, or wind-powered generator, consisting of a combination of:
 - A. The surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical or electrical generating powers; and

- B. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
- C. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
- D. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

A WECS can also include other components not listed above but associated with the normal construction, operation, and maintenance of a WECS.

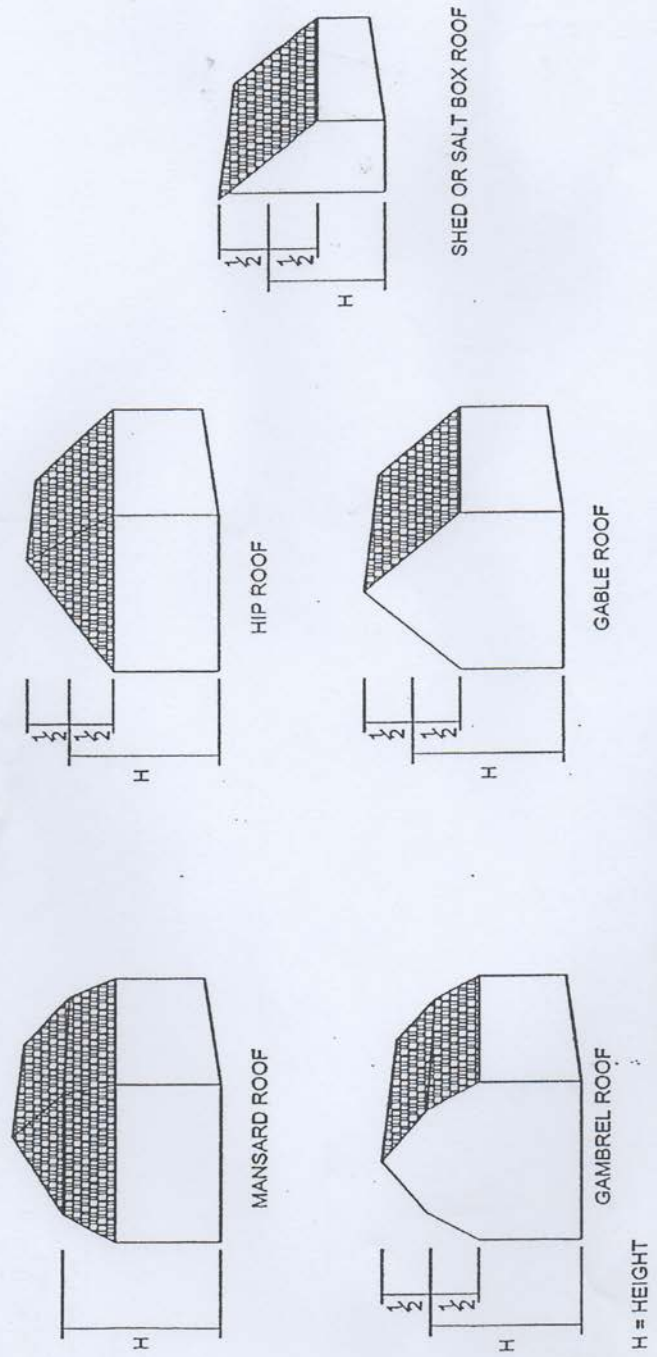
- 162. **WECS Height:** The distance between the ground (at normal grade) and the highest point of the WECS, as measured from the ground (at normal grade), plus the length by which the rotor blade on a horizontal mounted WECS exceeds the structure which supports the rotor and blades (normally, the tower). Or put another way, the distance between the ground (at normal grade) and the highest point of the WECS (being the tip of the blade, when the blade is in the full vertical position).
- 163. **Wind Park:** One or more WECS placed upon one or more lots or parcels with the intent to sell or provide electricity to the electric utility grid.
- 164. **Wind Site Assessment:** An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a WECS.
- 165. **Yard:** A space open to the sky between a building and the lot lines of the parcel of land on which the building is located, unoccupied or unobstructed by an encroachment or structure except as otherwise provided by this Ordinance (see **Figures 9 and 10**).
- 166. **Yard, Front:** A yard across the full width of the lot extending from the front line of the principal building to the front lot line, or highway-right-of-way line as the case may be.
- 167. **Yard, Rear:** A yard extending across the full width of the lot from the rear line of the building to the rear lot line.
- 168. **Yard, Side:** A yard extending between the side lot line and the nearest side of the building.
- 169. **Zoning Administrator:** The official designated by the Colfax Township Board to administer and enforce the provisions of this Ordinance.
- 170. **Zoning Permit:** Written authority as issued by the Zoning Administrator on behalf of the Township permitting the construction, moving, exterior alteration or use of a building in conformity with the provisions of this Ordinance.

Figure 1



(Figure 1 "Basement and Story")

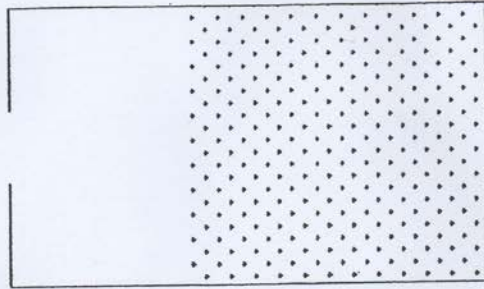
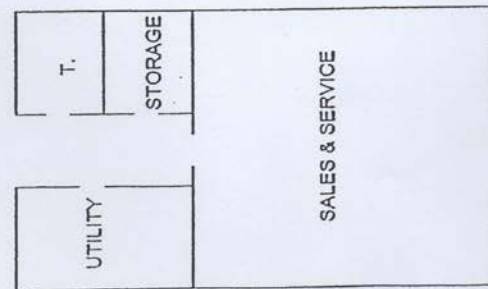
Figure 2



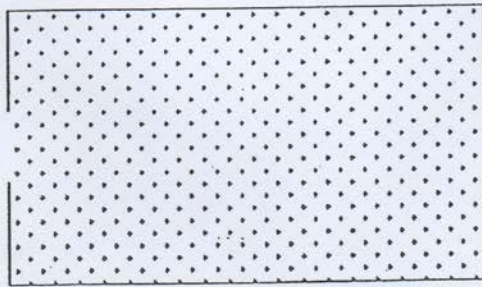
BUILDING HEIGHT

(Figure 2 “Building Height”)

Figure 3



USABLE FLOOR AREA
(FOR PURPOSES OF COMPUTING PARKING)

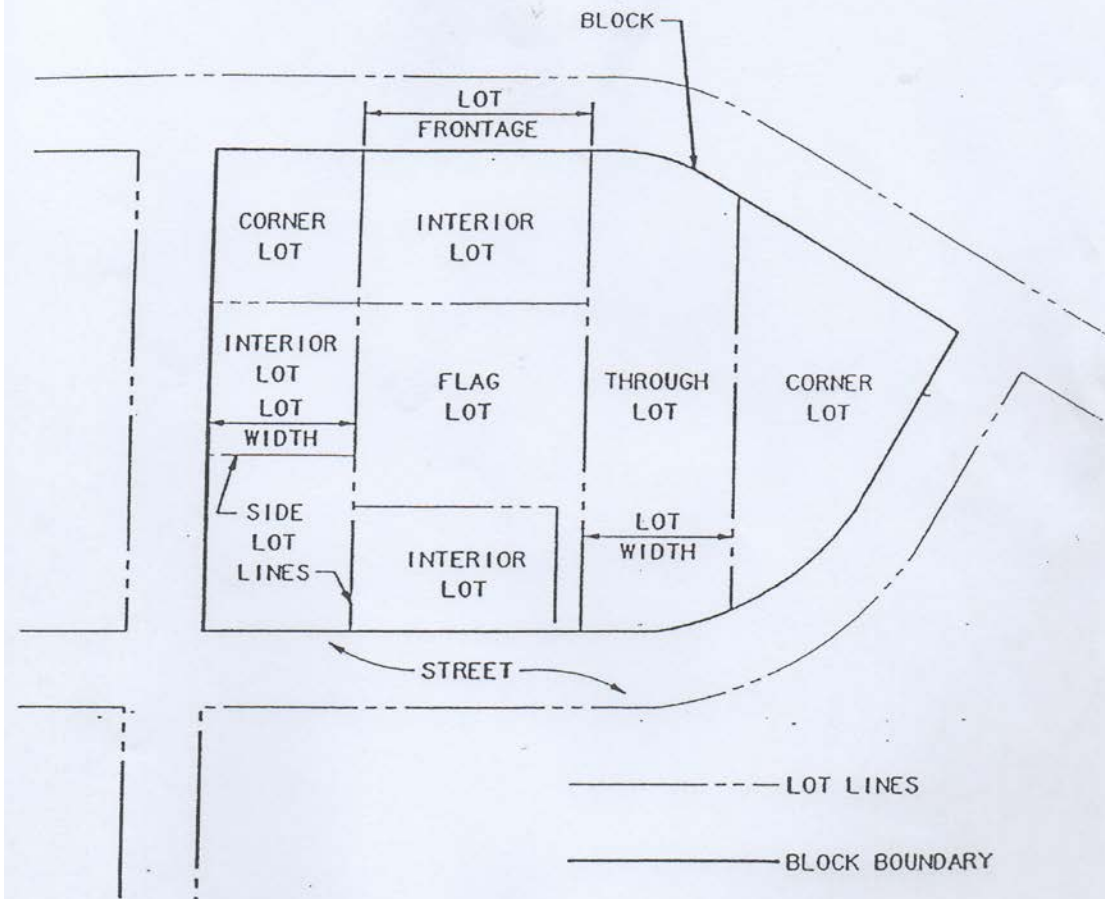


TOTAL FLOOR AREA

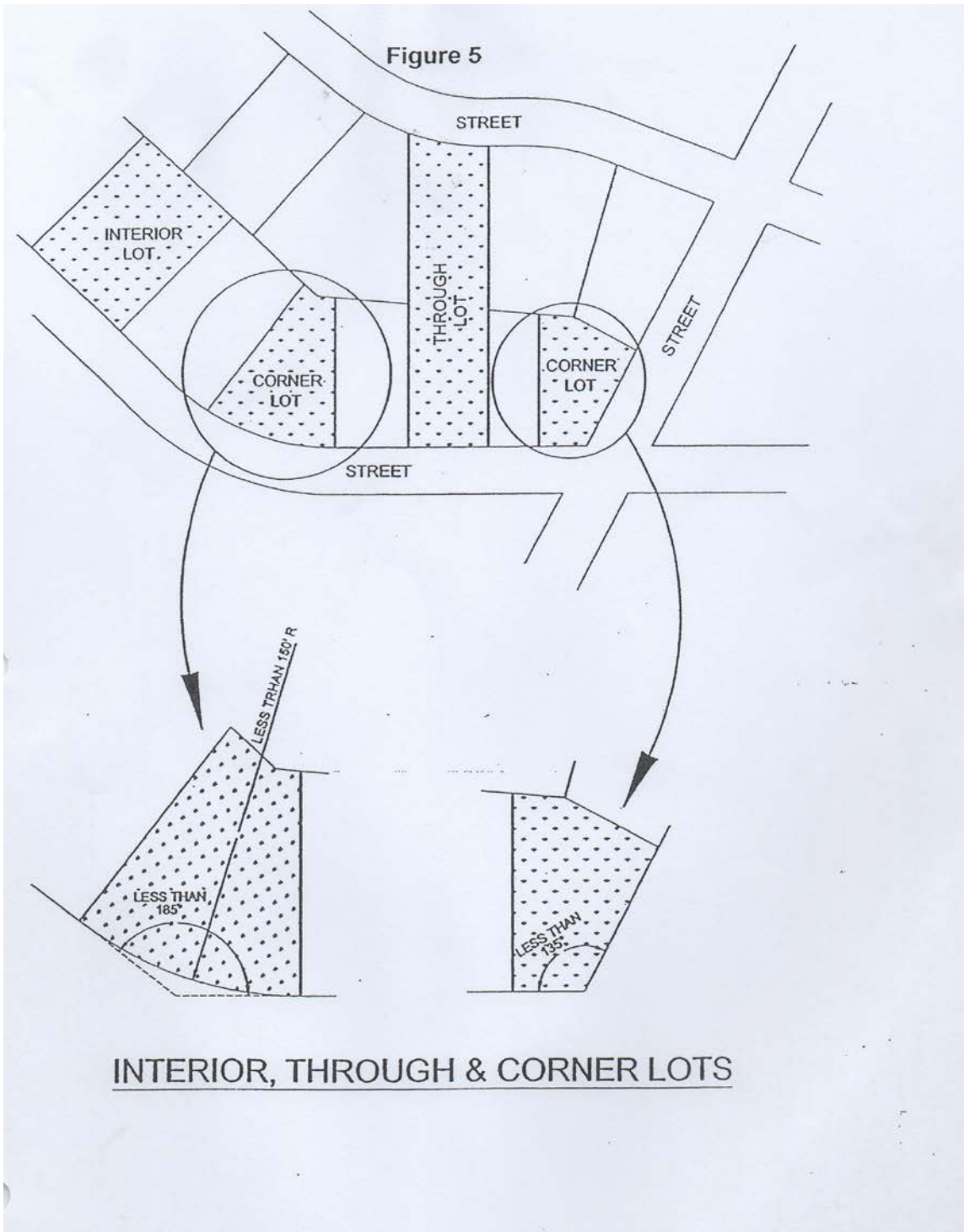
FLOOR AREA

(Figure 3 "Floor Area")

Figure 4
Types of Lots

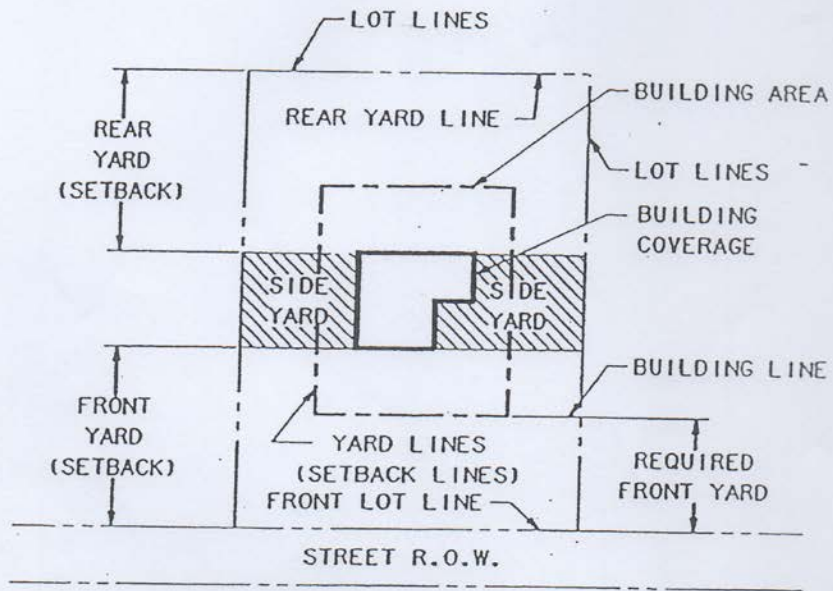


(Figure 4 "Types of Lots")

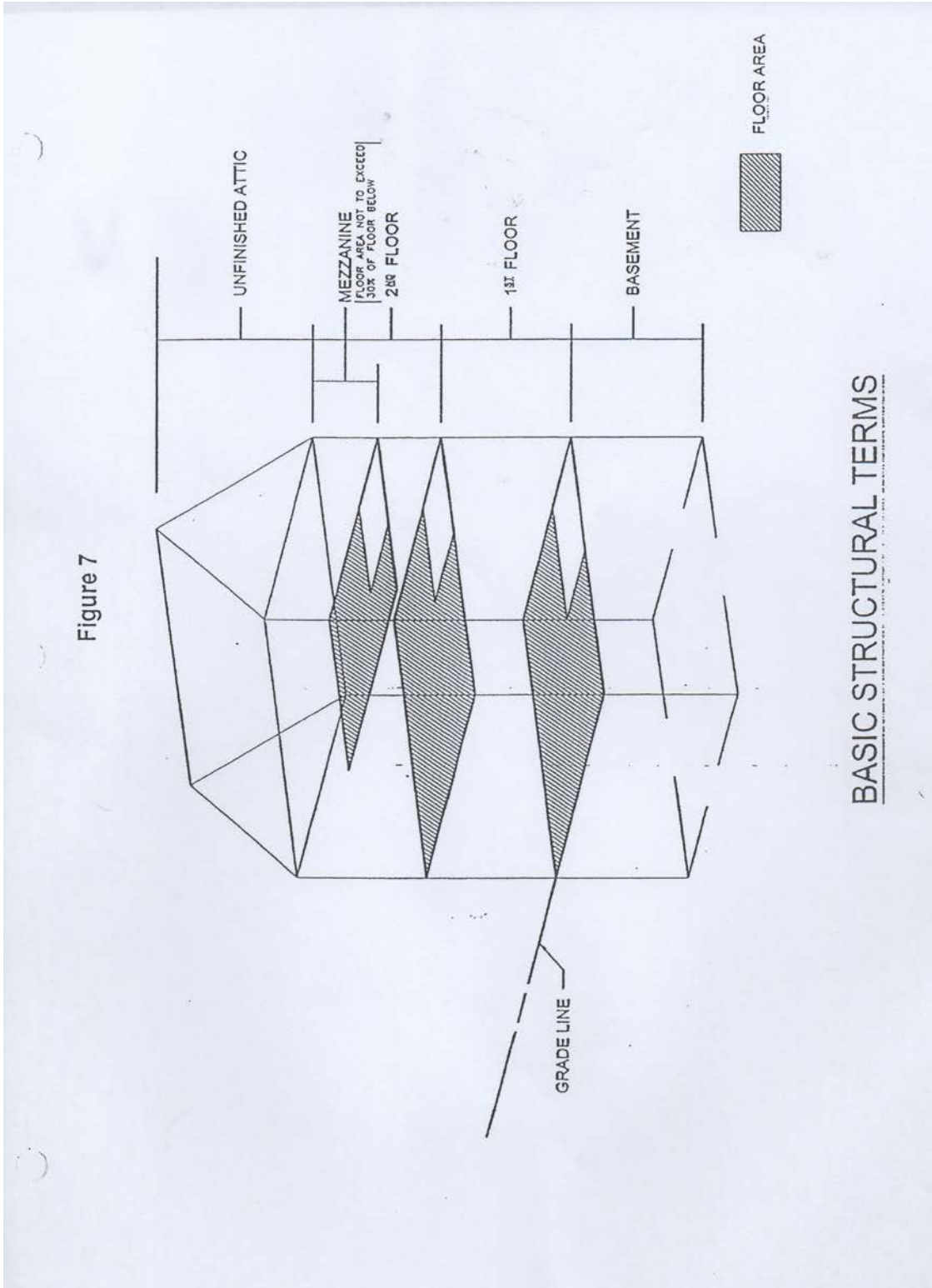


(Figure 5 “Interior, Through & Corner Lots”)

Figure 6

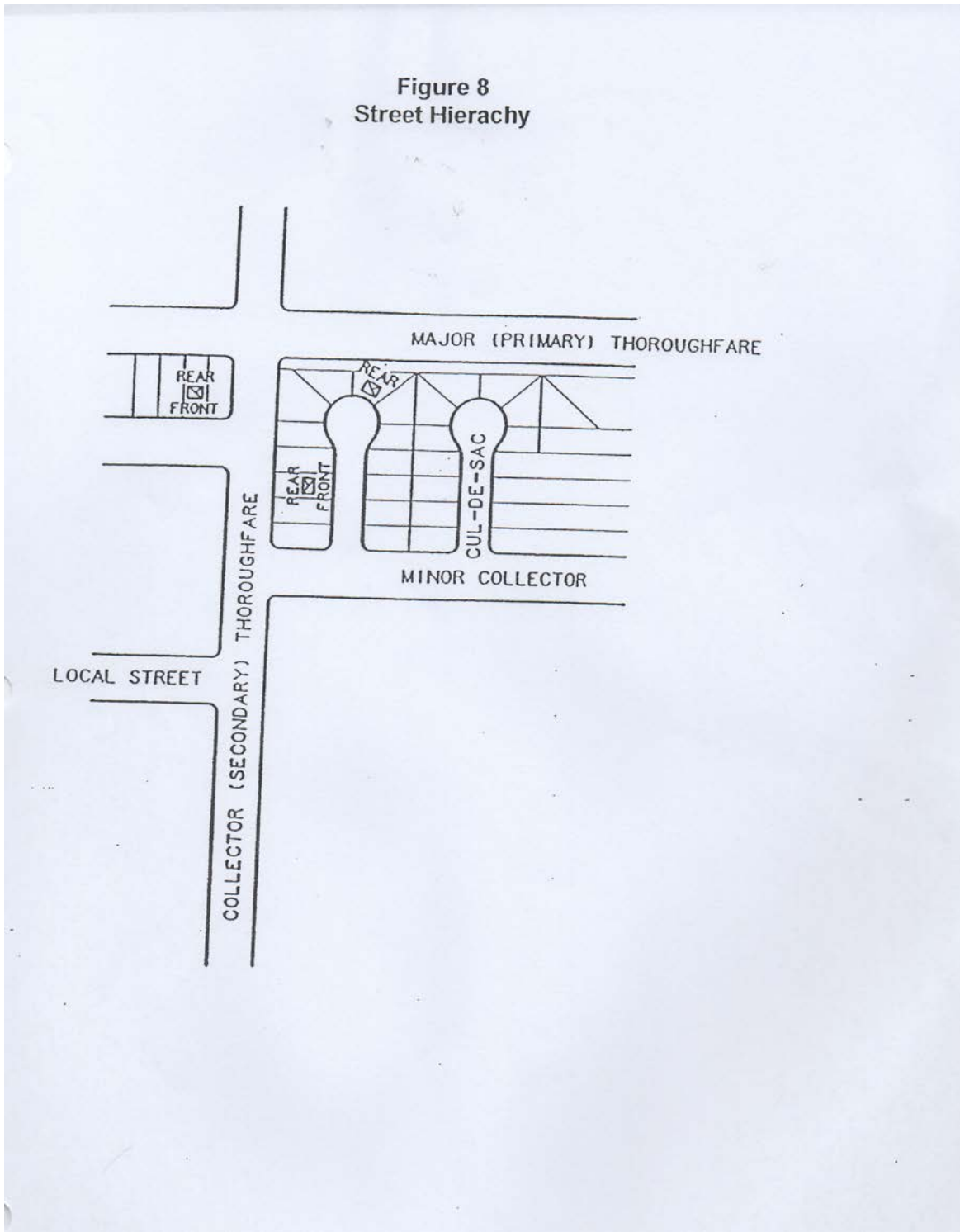


(Figure 6 "Lot Setbacks")

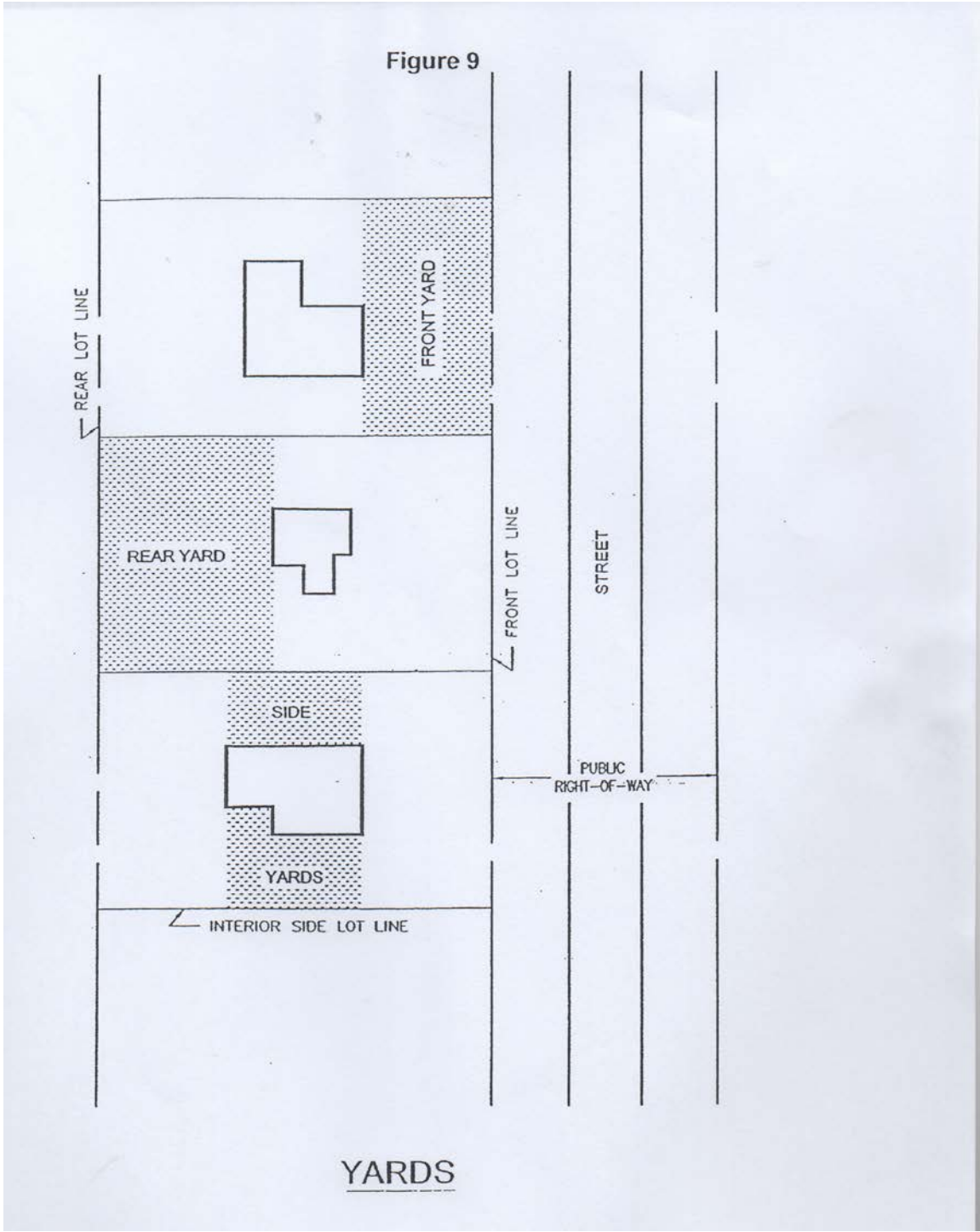


(Figure 7 “Basic Structural Terms”)

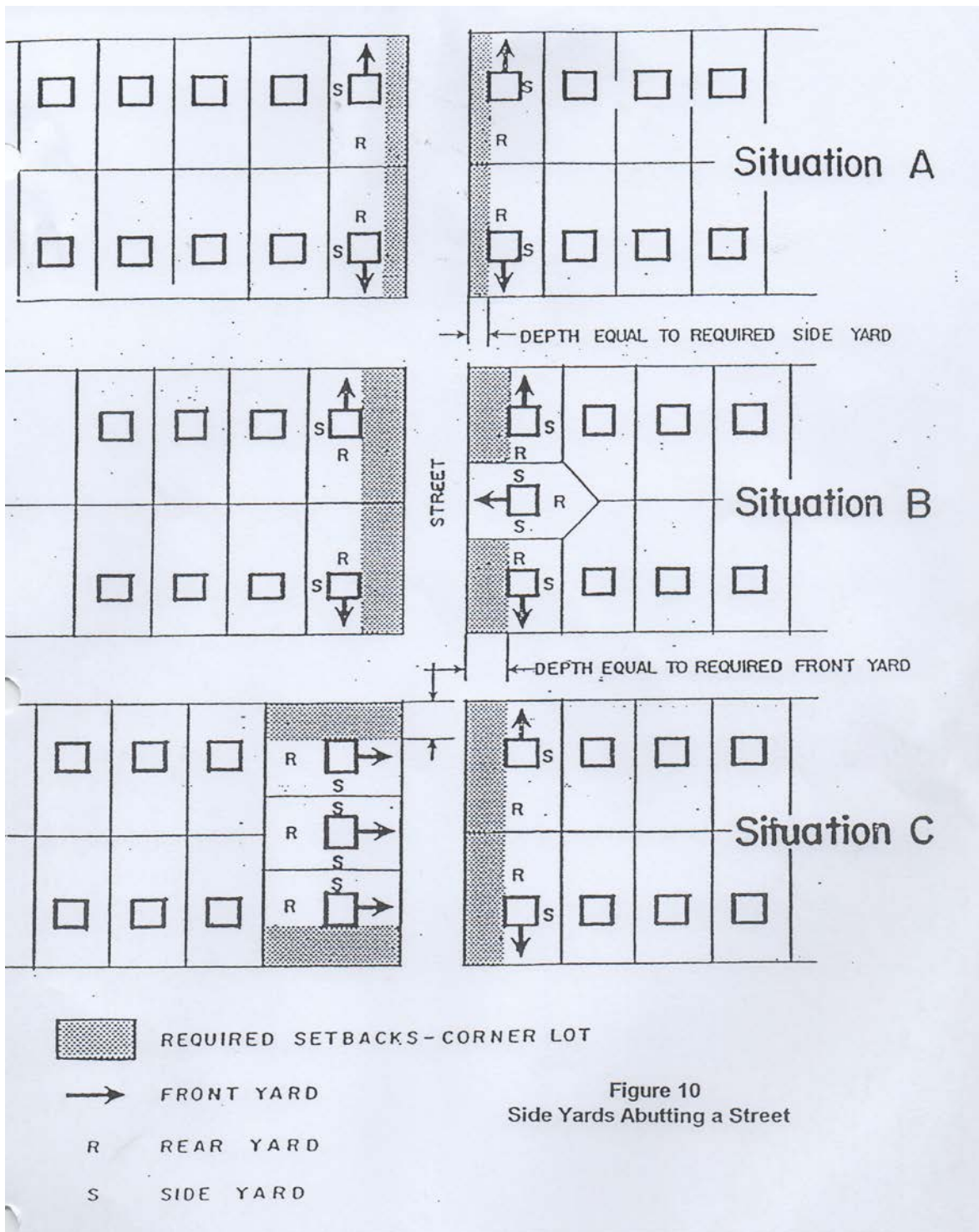
Figure 8
Street Hierachy



(Figure 8 "Street Hierachy")



(Figure 9 “Yards”)



Article IV District Regulations and Zoning Map

Section 400 Classification of Zoning Districts

For the purpose as set forth in the Preamble, Colfax Township of Huron County shall be divided into the following Zoning Districts:

1. Agricultural – AG
2. Single-Family Residential District – R-1
3. Single-Family/Two-Family Residential District – R-2
4. Multiple-Family Residential District – R-3
5. Neighborhood Commercial District – C-1
6. Highway Commercial District – C-2
7. Industrial District – IND

Section 401 Zoning Map

The areas assigned to each Zoning District and the boundaries shown upon the map entitled “Zoning District Map of Colfax Township, Huron County, Michigan” are hereby established, and said map, all proper notations, and other information shown thereon are hereby made a part of this Ordinance.

Section 402 Boundaries of Districts

Unless otherwise specified, the boundary lines of Zoning Districts shall be interpreted as following along section lines or customary subdivisions of sections, or the center lines of highways, streets or waterways; or subdivisions or property lines of legal record at the office of the Huron County Register of Deeds on the date of the enactment of this Ordinance.

Section 403 Determinations by Township Board of Appeals

All questions concerning the exact location of any Zoning District not clearly described shall be determined by the Township Board of Appeals consistent with the purposes of this Ordinance.

Article V AG Agricultural District

The following provisions shall apply to the AG Agricultural District.

Section 500 Intent

The predominant land use in this District is agricultural. It is the intent of this District to conserve and promote the general continuation of this use.

However, the provisions of this District also recognize the gradual extension of residential and other compatible uses into the District and the importance of adopting good standards to guide such developments in the interest of overall land management resources.

Section 501 Uses and Structures

1. Principal Permitted Uses and Structures (Refer to Articles XIII & XX and Sec. 1219)
 - A. Single-family dwellings [**Also refer to Art. III (37)(38) for guidance**]
 - B. Crop and livestock farms, including truck gardens, tree farms, and other specialty crops, but excluding the raising of fur bearing animals.
 - C. Processing of products on the farm premises for sale in a roadside stand which does not exceed two hundred (200) square feet in floor area, provided the facilities for customer entry, exit and parking are provided off-street.
 - D. Forestry preserves.
 - E. Publicly owned buildings and community facilities.
 - F. Publicly owned and operated parks and playgrounds with customary service buildings and structures.
 - G. Wildlife preserves.
 - H. Bed and breakfast operations subject to the provisions of **Section 1220**.
 - I. State licensed residential facilities, i.e. adult foster care homes, and residential day care facilities (up to 6 persons) within a single-family dwelling subject to Section 125.3206 of the Michigan Zoning Enabling Act of 2006 as amended.

2. Special Uses and Structures (Refer to Articles XIII, XIV, XV & XVI and Sec. 1219)
 - A. Airports subject to provisions of **Section 1501**.
 - B. Places of worship subject to provisions of **Section 1505**.
 - C. Golf courses subject to provisions of **Section 1509**.
 - D. Animal sales yards.
 - E. Telecommunication towers or facilities, alternative tower structures, water towers, wireless communication antennas, electric transmission towers, water or sewage treatment plants, electric substations, gas regulator stations, and other major public utility structures subject to provisions of **Section 1517**.
 - F. Cemeteries, including columbarium, mausoleums and crematories
 - G. Circus and carnival lots.
 - H. Commercial stables subject to provisions of **Section 1520**.
 - I. Fur bearing animals, raising of.
 - J. Gas and oil processing facilities.
 - K. Guesthouses, hunting and fishing resorts, resort hotels, including accessory facilities such as stables, corral, swimming pools, food services, and incidental retail sales and services.
 - L. Hospitals, clinics, assisted and congregate living, convalescent homes and institutions of a charitable nature.
 - M. Ponds subject to the provisions of **Section 1500, Part 19** - "Soil Resource Extraction, Pond Construction."
 - N. Radio-TV stations, studios.

- O. Rifle ranges.
- P. Sand, clay, and gravel pits or quarries and other resource extraction activities subject to the provisions of **Section 1500, Part 19** - “Soil Resource Extraction, Pond Construction.”
- Q. Summer camps.
- R. Real estate offices (sales) in connection with a specific development for a period not more than that specified at the time the special use permit is granted
- S. Sawmills-temporary use not to exceed one (1) year.
- T. Home occupations subject to the provisions of **Section 1212**.
- U. Commercial kennels subject to provisions of **Section 1522**.
- V. A parcel of land may be developed for single-family detached dwelling units under the OSPRD option as provided in **Section 1223**, herein.
- W. Campground subject to provisions of **Sec. 1503**.
- X. Wind Energy Conversion Systems & Wind Parks, subject to Section 1224 of this Ordinance.

Section 502 Accessory Uses, Buildings and Structures

Accessory uses, buildings, and structures customarily incidental to the principal use or special use are permitted. **(Refer to provisions of Sec. 1203)**

Section 503 Farms, Farm Operations and Keeping of Animals

Farms, farm operations, and keeping of animals must be operated and maintained in accordance with the recommendations set forth in the applicable Generally Accepted Agricultural and Management Practices (GAAMPs) as adopted by the Michigan Agricultural Commission, as may be amended from time-to-time and in accordance with such additional rules, regulations, and guidelines, as from time-to-time be may established by the Michigan Agricultural Commission or other appropriate state agency pursuant to the Michigan Zoning Enabling Act as amended, the Right to Farm Act, Public Act 93 of 1981, as amended, and Michigan Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended.

Article VI R-1 Single-Family Residential District

The following provisions shall apply to the R-1 Single-Family Residential District.

Section 600 Intent

The purpose of this District is to reserve areas principally for single-family dwellings and other uses, which are compatible with single-family dwellings and help maintain the rural character of the Township.

Section 601 Uses and Structures

1. Principal Permitted Uses and Structures. **(Refer to Articles XIII & XX and Sec. 1219)**

- A. Single-family dwellings. Refer to Articles III (37)(38) and Section 1208.
 - B. State licensed residential facilities, i.e. adult foster care homes, and residential day care facilities (up to 6 persons) within a single-family dwelling subject to Section 125.3206 of the Michigan Zoning Enabling Act of 2006 as amended.
 - C. Public owned and operated parks and playgrounds with customary buildings and structures. Refer to definitions Article III.
2. Special Uses and Structures (Refer to Articles XIII, XIV, XV & XVI and Sec. 1219)
- A. Places of worship, but not including tents or other temporary structures subject to provisions of **Section 1505**.
 - B. Bed and breakfast operations subject to the provisions of **Section 1220**.
 - C. Summer camps.
 - D. Home occupations subject to the provisions of **Section 1212**.
 - E. A parcel of land may be developed for single-family detached dwelling units under the OSPRD option as provided in **Section 1223**, herein.
 - F. Golf courses subject to provisions of **Section 1509**.

Section 602 Accessory Uses, Buildings, and Structures

Accessory uses, buildings, and structures customarily incidental to the principal use or special use are permitted. (Refer to provisions of Sec. 1203, Articles XIII & XX)

Article VII R-2 Single-Family/Two-Family Residential District

The following provisions shall apply to the Single Family/Two Family Residential District–R-2.

Section 700 Intent

The purpose of this District is to reserve areas principally for single-family and two-family residential uses and to maintain safe and desirable conditions for year-round family living.

Section 701 Uses and Structures

1. Principal Permitted Uses and Structures (Refer to Articles XIII & XX and Sec. 1219)
- A. Single-family dwellings.
 - B. Two-family dwellings. [Also refer to provisions of Article III (39)]
 - C. State licensed residential facilities, i.e. adult foster care homes, and residential day care facilities (up to 6 persons) within a single-family dwelling subject to Section 125.3206 of the Michigan Zoning Enabling Act of 2006 as amended.
 - D. Publicly owned and operated recreation areas, parks and playgrounds, with customary service buildings and structures.

2. Special Uses and Structures (**Refer to Article XIII, XVI, Sec. 1219**)

- A. State licensed adult foster care small group home with a capacity to receive twelve (12) or fewer adults who are provided supervision personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation subject to the following:
 - i) A state licensed adult foster care small group home shall not be located within fifteen (1,500) feet of another similar state licensed facility.
 - ii) One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit. The driveway may be used for this purpose.
 - iii) The property (architecture and landscaping) shall be maintained in a manner that is consistent with the character of the neighborhood.

- B. State licensed group day care facilities where seven (7) to twelve (12) children are cared for in a private home on less than a twenty-four-hour basis, subject to the following provisions:
 - i) At least one member of the staff must reside on the premise.
 - ii) There must be at least six hundred (600) square feet of fenced (4 ft. high min.) outdoor play area provided on the premises. A group day care home shall not require exterior modifications to the dwelling nr shall the front yard be the location of play equipment, except on a corner lot.
 - iii) Off-street parking for four (4) vehicles shall be provided on the property.
 - iv) The group day care facility shall not be located closer than 1,500 feet of any of the following facilities as measured along a street, road or other public way excluding an alley: another licensed group day care home; an adult foster care large group home; a licensed facility offering substance abuse treatment and rehabilitation services to seven (7) or more people; a community correction center, resident home, halfway house or other similar facility which house an inmate population under the jurisdiction of the Department of Corrections.
 - v) One (1) non-illuminated sign, two (2) square feet or less in size, is permitted on the wall of the principal structure located on the property. The sign shall be similar to that for a home occupation-name of day care operator and address.
 - vi) Hours of operation shall not exceed sixteen (16) hours in a twenty-four-hour period, and activity shall not be permitted between the hours of 10:00 p.m. and 6:00 a.m.

- C. Places of worship, but not including tents or other temporary structures, subject to provisions of **Section 1505**.

- D. Home occupations subject to the provisions of **Section 1212**.

- E. Bed and breakfast operations subject to the provisions of **Section 1220**.
- F. Publicly owned buildings and community facilities, including schools.
- G. A parcel of land may be developed for single-family detached dwelling units under the OSPRD option as provided in **Section 1223**, herein.

Section 702 Accessory Uses, Buildings, and Structures

Accessory uses, buildings, and structures customarily incidental to the principal use or special use are permitted. (Refer to provisions of Sec. 1203, Articles XIII & XX)

Article VIII R-3 Multiple-Family Residential District

The following provisions shall apply to the R-3 Multiple-Family Residential District.

Section 800 Intent

This District is intended to offer a wide variety of housing choices in a single district by providing a mixture of single-family and multiple-family dwellings.

Section 801 Uses and Structures (Refer to provisions of Articles XIII, XIV, Sec. 1513, Sec. 1219)

1. Principal Permitted Uses and Structures

- A. All Principal Permitted and Special Uses in the R-1 & R-2 Residential Districts, subject to provisions of those districts.
- B. State licensed adult foster care large group homes subject to the following provisions:
 - i) The home is not located within 1500 feet of another similar state licensed facility.
 - ii) One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling or other uses.
 - iii) A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.
 - iv) A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.
 - v) A landscaped buffer shall be provided along all property lines that abut a less intense land use and around the visible perimeters of all parking and loading/unloading areas.
 - vi) All exterior lighting of entryways, parking spaces or loading/unloading areas shall not reflect onto adjacent properties and preferably, should be motion activated.

- C. Multiple-family dwellings.
 - D. Convalescent and/or nursing homes, not to exceed the height of 2 ½ stories, when the following conditions are met:
 - i) The proposed site shall have at least one property line abutting a primary road. All ingress and egress to the off-street parking area, for guests, employees and staff, as well as for any other use of the facility, shall be directly onto such primary road.
 - ii) No building shall be closer than 25 feet from any property line.
 - E. Bed and breakfast operations subject to the provisions of **Section 1220**.
 - F. Boarding, lodging or rooming houses.
 - G. Places of worship, but not including tents and temporary structures subject to provisions of **Section 1505**.
 - H. Publicly owned and operated parks and playgrounds with customary service buildings and structures.
 - I. Mobile Home Park (Refer to provisions of Sec. 1512, Articles XIII, XIV, Sec. 1219)
2. Special Uses and Structures (**Refer to provisions of Articles XIII, XIV, XVI**)
- A. Home occupations subject to the provisions of **Section 1212**
 - B. Publicly owned buildings and community facilities, including schools.
 - C. A parcel of land may be developed for single-family detached dwelling units under the OSPRD option as provided in **Section 1223**, herein.

Section 802 Accessory Uses, Buildings, and Structures

Accessory uses, buildings, and structures customarily incidental to the principal use, or approved use are permitted. (**Refer to provisions of Sec. 1203, Articles XIII & XX**)

Article IX C-1 Neighborhood Commercial District

The following provisions shall apply to the C-1 Neighborhood Commercial District.

Section 900 Intent

The purpose for establishing this District is to provide for neighborhood shopping, personal services and professional office areas, where uses are somewhat more selective than the C-2 Highway Commercial District. Uses in this District are primarily compatible with and of service to Township residential uses.

Section 901 Uses and Structures

1. Principal Permitted Uses and Structures (**Refer to provisions of Articles XIII, XIV, Sec. 1513, Sec. 1219**)
 - A. Office buildings for any of the following occupations: executive, administrative, professional, governmental, sales and similar occupations
 - B. Medical and dental offices, including clinics
 - C. Any generally recognized retail business which supplies such commodities as, but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods or hardware
 - D. Any personal service establishment which performs such services as, but not limited to: shoe repair, tailor shops, beauty/barber shops, interior decorators, and photographers
 - E. Private clubs
 - F. Places of subject to provisions of **Section 1505**.
 - G. Single-family dwelling on same parcel as a C-1 use.
 - H. Multiple-family dwellings.
 - I. Child Care Center or Day Care Center, as defined in **Article III**.

2. Special Uses and Structures (**See Article XIV, XV, XVI & Sec. 1219**)
 - A. Gasoline service station for the sale of gasoline, oil and minor accessories, excluding auto repair. (**Refer to provisions of Sec. 1502**)
 - B. Restaurants, except drive-through.
 - C. Motels, hotels and similar tourist lodging facilities.
 - D. Dry cleaners and self-service laundries.
 - E. Dwelling units (**refer to Sections 1513, where applicable**)
 - F. Commercial storage units

Section 902 Accessory Uses, Buildings and Structures

Accessory uses, buildings, and structures customarily incidental to the principal use or approved use are permitted. (**See provisions of Articles XIII, XIV, XVI & Sec. 1203**)

Article X C-2 Highway Commercial District

The following provisions shall apply to the C-2 Highway Commercial District.

Section 1000 Intent

This District typically accommodates those retail and business activities that cater to the needs of the permanent residents and tourists of the area. The District is designed to provide sites for more diversified business types along major thoroughfares.

Section 1001 Uses and Structures

1. Principal Permitted Uses and Structures

- A. Antique shop
- B. Appliance sales and service
- C. Art galleries
- D. Bakeries
- E. Boarding, lodging, and rooming houses
- F. Bowling alleys
- G. Business and professional offices
- H. Carpentry, plumbing, electrical sales, service and contracting offices
- I. Civic, social and fraternal buildings
- J. Curio stores
- K. Florist shops
- L. Furniture Stores
- M. Golf driving range and miniature golf
- N. Grocery stores
- O. Hardware stores
- P. Jewelry stores
- Q. Libraries and museums
- R. Motels and hotels
- S. Music shops
- T. Nurseries, garden supply, greenhouse, fruit and vegetable stands
- U. Parking lots
- V. Pet sales and veterinary clinics, not including kennels
- W. Printing, publishing, blueprint, photocopy shops
- X. Public buildings
- Y. Radio and TV sales and service
- Z. Real estate offices
- AA. Restaurant, including drive-through
- BB. Second-hand stores, excluding outside sales or displays
- CC. Sign painting shops
- DD. Single-family dwellings on same parcel as business
- EE. Sporting goods shops
- FF. Swimming pools-public
- GG. Taverns and bars
- HH. Upholstering, interior decorating

2. Special Uses and Structures (See Articles XIV, XV, XVI & Sec. 1219)
 - A. Automotive sales area. (Sec. 1514)
 - B. Automobile service station. (Sec. 1502)
 - C. Boat sales and services. (Sec. 1514)
 - D. Building material sales. (Sec. 1514)
 - E. Farm machinery sales and services. (Sec. 1514)
 - F. Gas and oil processing facilities.
 - G. Laundromats, laundries and dry-cleaning establishments.
 - H. Manufactured and mobile home and travel trailer sales and service.
 - I. Gasoline service stations. (Sec. 1502)
 - J. Snowmobile sales and service.
 - K. Sexually oriented businesses subject to the provisions of Section 1500.16.
 - L. Commercial bulk storage of flammable liquids or gasses
 - M. Commercial storage units

Section 1002 Accessory Uses, Buildings and Structures

Accessory uses, buildings, and structures customarily incidental to the principal use or approved use are permitted. (See provisions of Articles XIII, XIV, XVI & Sec. 1203)

Article XI IND Industrial

The following provisions shall apply to the IND Industrial District.

Section 1100 Intent

The purpose of this District is to provide areas within the Township for the encouragement and conduct of industries, for processing raw materials and finished products, for storage of raw materials and industrial products, and for wholesale commercial establishments, including office facilities customarily associated with any permitted use, none of which shall constitute a nuisance to any prior existing permitted use of any adjacent premises.

Section 1101 Uses and Structures

1. Principal Permitted Uses and Structures (See Articles XIV, XV, XVI & Section 1103 & 1219)
 - A. Machine shops.
 - B. Sale and service of farm machinery.
 - C. Storage and warehousing, but not including commercial bulk storage of flammable liquids or gases.
 - D. Truck terminal maintenance and repair of trucks and trailers of company.
 - E. Sawmills.

2. Special Uses and Structures (See Articles XIII, XIV, XVI & Sections 1203, 1219)

- A. The production, processing, assembly, manufacturing, or packaging of goods, or materials such as: recreational supplies, toys, etc., including testing, repair, storage distribution and sale of such products.
- B. Commercial bulk storage of flammable liquids or gases.
- C. Gas and oil processing facilities.
- D. Ready-mix concrete, asphalt plants.
- E. Foundries.
- F. Manufacturing, processing, or sales of fertilizers, feeds and other farm supplies.
- G. Reduction, conversion and disposal of waste material.
- H. The production, processing, assembly, manufacturing or packaging of goods or material such as tanneries, rendering works, refineries, rubber processing, packing houses, etc., including testing, repair, storage distribution, and sale of such products.
- I. Junkyards. (Refer to provisions of Sec. 1510)

Section 1102 Accessory Uses, Buildings and Structures

Accessory uses, buildings, and structures customarily incidental to the principal use or approved use are permitted. (See Sec 1203, Articles XIV, XVI)

Section 1103 Performance Standards

All property uses in the Industrial District shall be subject to the following applicable conditions:

- 1. **Uses of Buildings and Structures:** In general, all operations shall be conducted within enclosed buildings; exterior yard storage shall be screened on sides and rear by a solid uniformly finished and maintained wooden or masonry wall or fence of durable material each of which shall be not less in height than the enclosed storage materials, a minimum of six (6) feet height. No front yard shall be used for storage, loading activities, or accessory structures except parking and landscaping.
- 2. **Offensive and Hazardous Emissions:** No use shall discharge any product dust, smoke, or odorous matter or noxious or toxic fumes or physical vibration or heat or glare beyond the boundaries of the premises. No noise created from any use shall exceed the level of ordinary conversation at the boundary of the premises.
- 3. **Operating Conditions:** Application for a zoning permit shall be accompanied by a written statement of the property owner on the effects of the operations on traffic, water and air pollution noise and glare conditions, on fire and safety hazards, emission of dangerous or obnoxious matter, and on the proposed treatment of any such conditions to maintain the same within the limitations of the Ordinance. It shall show the plans for disposal of sewage and all industrial wastes. It shall specify the fuels to be used, including smoke and pollution control, which shall meet or exceed quality standards, established by the State.

4. Determination by Planning Commission: Following the receipt of application, the Zoning Administrator shall file his/her recommendation with the Planning Commission, which shall then make determination. The Commission shall hold a public hearing before authorizing issuance of a zoning permit.
5. Operational Hours: The Planning Commission may establish operating hours if deemed necessary.

Article XII General Provisions

Section 1200 Effect of Zoning

In order to carry out the intent of this Ordinance, no use or activity on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, altered, or moved upon any property unless it is in conformance with this Ordinance, and a zoning permit has been obtained.

If any activity, use, building, structure or part thereof is placed upon a piece of land in direct conflict with the intent and provisions of this Ordinance, such activity, use, building or structure shall be declared a nuisance per se and may be required to be vacated, dismantled, abated, or cease operations by any legal means necessary, and such use, activity, building or structure shall not be allowed to function until it is brought into conformance with this Ordinance.

Any lawful use, activity, building or structure which exists or is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, shall be considered a legal non-conforming use and be allowed to remain as such, including completion of construction, subject to the requirements of this Ordinance for non-conforming uses, and providing said construction does not require more than one (1) year from the effective date of this Ordinance for completion. If said construction is continued for more than one (1) year, the legal status of the activity, use, building, or structure shall be determined by the Township Planning Commission.

Section 1201 Non-Conformities

1. **Non-conforming Lots of Record:** In any district, principal structures and accessory buildings may be erected on any non-conforming lot which was a lot of record at the time of adoption of this Ordinance, provided permit for construction of a well and septic system is granted by the District Health Department, and that yard requirement variances are obtained through approval of the Zoning Board of Appeals, if necessary.

If any non-conforming lot or lots are of continuous frontage with other lots under the same ownership, the owner shall be required to combine such lots to provide parcels which shall meet at least the minimum requirements for the district in which they are located.

2. **Non-conforming Uses:** Any non-conforming use of land, buildings or structures which is discontinued through vacancy, lack of operations or otherwise for a period of twelve (12)

months or more shall be construed as abandonment of use, following which any use thereof shall conform to this Ordinance.

A non-conforming use shall not be changed to other than a conforming use, nor shall any non-conforming use be reverted to a former non-conforming use after use has been changed to a conforming use.

No non-conforming use shall be enlarged or increased in size, intensity, or essential nature, nor extended to occupy a greater area of land than was occupied at the effective date of this Ordinance.

In the event that fire, explosion or Act of God destroys or damages an existing structure devoted to a non-conforming use, and provided the damage does not exceed one-half (1/2) of the structure's prior usable floor space, the structure shall not be reconstructed to exceed the floor area prior to damage to the building.

3. **Non-conforming Buildings:** A non-conforming building may be enlarged, altered, or rebuilt only in a way that does not increase its non-conformity.

A non-conforming building damaged by fire, explosion or Act of God exceeding one-half (1/2) of its prior usable floor space shall not be restored except in conformity with the provisions of this Ordinance, and issuance of a zoning permit.

Nothing in this Ordinance shall prevent reasonably necessary repairs to a non-conforming building.

Section 1202 Unlisted Property Uses

The Planning Commission shall have the power on written request of a property owner in a zoning district to classify a use not listed with a comparable permitted use in the district and grant permission for such use, giving due consideration to the provisions of **Section 101** Purpose of this Ordinance. Petition for such classification shall be made through the office of the Township Zoning Administrator. In granting permission for any such classified use, the Planning Commission may attach such conditions and safeguards as may be deemed necessary for the protection of the public welfare, and for the proper use or development of the general neighborhood and adjacent properties. If deemed incompatible, then such use shall only be provided for by due amendment of the Ordinance.

Section 1203 Accessory Buildings

1. Authorized accessory buildings may be erected as part of the principal building or may be connected to the principal building by a roofed porch, patio, breezeway or similar structure or may be completely detached from the principal building.

2. Where any accessory building is attached to the side or front of a principal building, such accessory building shall be considered part of the principal building for purposes of determining yard dimensions.
3. A detached accessory building shall maintain a front yard setback the same length as required for the principal building. However, the side or rear yard setbacks for the accessory building shall be fifty percent (50%) of the similar setback required for the principal building, provided adequate fire truck access is maintained to the property.

Section 1204 Essential Services

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of “essential services,” as defined by this Ordinance, shall be permitted in any district as authorized or regulated by law and other Township ordinances of Colfax Township, it being the intention hereof to except such erection, construction, alteration, and maintenance from the application of this Ordinance.

Section 1205 Required Area or Space

No lot or lots in common ownership, nor any yard, court, parking space or any other place shall be divided, altered, or reduced so as to be less than the minimum allowable dimensions as defined in this Ordinance. If such areas are already less than the minimum allowable dimensions, they shall not be divided, altered or reduced further.

Section 1206 Lot Proportion

The width of any lot, parcel, or land division created after the effective date of this Ordinance shall not be less than twenty-five percent (25%) of the lot or parcel depth.

Section 1207 Subdivision of Land

All plats submitted to the Township Board pursuant to the Land Division Act, PA 591 of 1996 (formerly the Subdivision Control Act of 1967, PA 288) as amended shall be given to the Planning Commission for review with instructions that it shall return the plat to the Township Board with recommendation whether the lots of said plat are consistent with the minimum lot requirements and other applicable requirements of this Ordinance and the Colfax Township Land Division Ordinance.

Section 1208 Mobile Homes

Mobile homes sited on individual lots outside of mobile home parks shall meet all the standards for dwellings for the district in which they are located and shall meet the following additional standards:

1. Mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Mobile Home Commission requirements.
2. Mobile homes shall be installed according to manufacturer's set up requirements, and the construction of the unit shall comply with the National Mobile Home Construction and Safety Standards Act of 1974.
3. The wheels, axles and towing assembly shall be removed from a mobile home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.
4. Mobile homes shall not be used as an accessory building.

Section 1209 Temporary Use of Recreational Vehicles as Dwellings

Travel trailers, motor homes and other similar recreational vehicles designed with sleeping accommodations shall not be occupied for a continuous period exceeding thirty (30) days per each ninety (90) day period unless connected to electrical service and District Health Department approved sanitary facilities. Temporary occupancy of such vehicles connected to electrical and sanitary facilities shall not exceed ninety (90) continuous days in any calendar year, except under the provisions of **Section 1210**. Permits for temporary use shall be obtained from the Zoning Administrator.

Section 1210 Substandard Dwelling Occupancy during the Construction of a Dwelling

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

1. The location shall conform to the provisions governing yard requirements of standard dwellings in the district where located.
2. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in process of erection and completion, but not to exceed twelve (12) continuous months. One (1) additional twelve (12) continuous months extension may be obtained from the Zoning Administrator. The substandard dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this Ordinance.

3. Installation of septic system and water well shall be constructed and maintained in accordance with the standards of materials and installation recommended by District Health Department and shall precede occupancy of the substandard dwelling.
4. Application for the erection and use of a substandard dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify in a space allotted for that purpose, and on the copy retained for filing by the Township, that he/she has full knowledge of the limitations of the permit and the consequences for failing to conform to the terms of the permit. No such permit shall be transferable to any other person.
5. No annexes or additions shall be added to temporary substandard dwellings.

Section 1211 Keeping of Animals

1. Domestic animals such as cats and dogs may be kept on parcels less than two (2) acres. The number of such animals shall not exceed four (4) animals per acre of land.
2. The keeping of livestock, including animals commonly cared for and shown at a county fair by youth through an organized youth club or organization, shall only be kept in districts zoned Agricultural and will be regulated by Michigan's Right to Farm Act and Generally Accepted Agriculture and Management Practices (GAAMPS).

Section 1212 Home Occupations

While Colfax Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisances which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to ensure that any home occupation is compatible with other permitted uses in residential districts and to maintain and preserve the residential character of the neighborhood.

1. The home occupation shall be customary and clearly incidental and subordinate to the principal use of the premises for residential purposes. The exterior appearance of the structure shall not be altered and the occupation within the residence shall not be conducted in a manner which would substantially alter the premises' residential character.
2. The home occupation is conducted by the person or persons occupying the premises as their principal residence. Persons who do not reside in the dwelling shall not be employed in the home occupation. Such use shall not occupy more than twenty-five percent (25%) of the ground floor area of the dwelling unit. No accessory building shall be used in the home occupation.
3. The dwelling has no exterior evidence, other than one (1) non-illuminated sign not exceeding four (4) square feet to indicate that the dwelling is being utilized for a non-residential purpose, and such sign is in conformance with the requirements of this Ordinance.

4. No occupation shall be conducted upon or from the premises, which would constitute a nuisance or annoyance to adjoining residents by reason of noise, dust, glare, heat, smoke, fumes, odor, vibrations or electrical disturbance. There shall be no discharge of polluting materials, fluids or gases into the ground or surface water, soil or atmosphere.
5. Vehicular and pedestrian traffic generated by the home occupation shall not exceed that which would normally be expected in a residential neighborhood, and the need for parking shall be met off street.
6. The home occupation shall not be open to the public earlier than 8:00 a.m. nor later than 8:00 p.m.
7. There shall be no open display of goods, materials or services in connection with a home occupation and no off-street parking shall be permitted within the setback area.
8. Any such home occupation shall be a special use that must be approved by the Planning Commission and inspected by the Zoning Administrator. The special use permit may be terminated for failure to comply with the Zoning Ordinance.

Section 1213 Fences, Walls and Hedges

Fences are permitted, or required subject to the following:

1. Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard, shall not exceed six (6) feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard setback whichever is greater.

No wall or hedge planting shall exceed a height of three (3) feet within any residential front yard. Clear vision fences are permitted in front yards but shall not exceed four (4) feet in height. On a corner lot or parcel, no fence, wall, or planting shall be allowed except as may be permitted by the Zoning Administrator who shall be reasonably assured that such fence, wall, or planting will not interfere with traffic visibility across a corner.
2. Fences in residential districts shall not contain barbed wire, razor wire, or be charged with electricity in any fashion.
3. Fences in commercial and industrial districts shall not exceed eight (8) feet in height measured from the surface of the ground. Provided, however, that upon application and good cause shown the Planning Commission may authorize suitable fencing of any height the Commission determines to be reasonable under the facts and circumstances presented by the applicant.
4. Fences in which public or institutional parks, playgrounds, or public landscape areas situated within an area developed with recorded lots shall not exceed eight (8) feet in

height, measured from the surface of the ground and shall not obstruct vision to an extent greater than twenty-five (25%) percent of their total area.

5. A zoning (fence) permit shall be secured prior to erection, construction, replacement or substantially repairing of any fence in any zoning district, other than on property used for agricultural purposes.
6. It shall be the obligation and sole responsibility of persons erecting fences in this Township to determine the location of property lines. The Zoning Administrator may require proof that property lines have been established prior to issuance of a permit. The Township shall not determine property or lot lines, and the issuance of a zoning permit to erect a fence shall in no way be construed as a determination of the correct, valid of legal location for the fence, or prejudice, in any way, the rights of adjacent or abutting property owners.
7. Sight Zones: Within the limits of sight zones, fences (and hedges) shall not exceed two (2) feet in height above grade, except that such restrictions shall not apply to clear vision fences. Such sight zones shall be determined as follows:
 - A. Street/Road Corners: The triangle formed by legs measured twenty-five (25) feet on each side of a street/road corner, measured from the point of intersection of the right-of-way lines.
 - B. The right triangles formed on each side of driveways, measured ten (10) feet along the property line or right-of-way line for one leg, and the outside edge(s) of the driveway for the other leg.
8. Fence material shall be painted or stained with a uniform color on both sides and the finished side of the fence shall face out. The fence finish and materials shall be maintained in original condition.
9. Where a lot borders a lake or stream, fences in the waterfront yard shall not exceed three (3) feet in height nor otherwise unreasonably restrict views of the water from adjacent properties.
10. The regulations set forth in this Section 1213 shall not apply to fences erected on lands in Agricultural districts, the primary use of which land is the operation of a farm as herein defined.

Section 1214 Water Supply and Sewage Disposal Facilities

All water supply and sanitary sewage disposal systems either public or private, for any building hereafter erected, altered or moved upon any premises shall be subject to compliance with the Colfax Township Ordinance No. 110, Water Well Ordinance, if applicable, and with the District Health Department sanitary code requirements. Plans must be submitted to and approved by the responsible agencies. The District Health Department's written approval of such facilities shall be filed with application for a zoning permit.

Section 1215 Stormwater Retention

Stormwater drainage in excess of natural conditions shall be retained on site. This provision may require stormwater retention ponds where appropriate. An exception may be made for water leaving the site via an adequately sized existing stormwater ditch, stormwater pipe or through other stormwater facilities that will be developed at the same time as the proposed new use. Written approval from the Michigan Department of Transportation (MDOT) shall be required for an additional site run-off directed into a state trunk line ditch.

Section 1216 Hazardous Substances

All business or industries that store, use or generate hazardous substances as defined in this Ordinance, in quantities greater than 25 gallons or 220 pounds per month whichever is less, shall meet all state and federal requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of said hazardous substances. No discharge to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

Section 1217 Restricted Yard Uses

Except where specifically provided for under this Ordinance, no lot or parcel shall be used for open or unenclosed storage, disposition, wrecking, dismantling, baling, salvaging, location, accumulation or abandonment, either temporarily or otherwise, of any discarded, unused, or dismantled vehicles, machinery, building materials, or household articles, or any parts thereof, provided that building materials and construction equipment may be temporarily stored in the yard area during the construction of new or improvement to existing structures..

Section 1218 Signs

The use and erection of all signs shall be subject to the following provisions:

Subsection 1218.1 General Provisions

1. Flashing, rotating, animated, intermittent, glaring, and oscillating signs, and the location of any sign hazardous to traffic are prohibited. The placement of signs within one hundred and fifty (150) feet of each other is prohibited. In special instances, where small parcels are involved, the Zoning Administrator has the discretion to waive this requirement.
2. Signs that are in need of repair, other than normal maintenance; not securely affixed to a substantial structure; obsolete; affixed to trees, rocks, or other natural features; resemble official traffic signs; or obstruct official signs are prohibited.
3. No sign existing prior to the adoption of this Ordinance, which does not conform to the provisions of this section, shall hereafter be altered or replaced, other than normal maintenance, except in conformance with the provisions of this Ordinance.

4. No sign other than a traffic or regulatory sign shall be erected in a street or road right of way.
5. No outdoor advertising structure shall be erected in such a manner that the position, size, movement, shape or color may interfere with the view of, or be confused with any public traffic sign or device.
6. Sign illumination shall not cause a reflection or glare on any portion of a public highway, in the path of oncoming vehicles, or on adjacent premises.
7. Signs attached to a building shall project not more than ten (10) feet from the wall of the building, nor exceed the height limitation of buildings in that district.
8. Temporary political signs shall be removed within seven (7) days following the election date.
9. Off-premise signs and billboards regulated by the Michigan Department of Transportation under the Highway Advertising Act, P.A. 106 of 1972 and amendments shall not be subject to these general provisions, but all other off-premise signs shall be subject to the provisions as well as the size limitations of **Section 1218.2**.

Subsection 1218.2 Limitations by Districts

The use of signs shall be limited in the respective districts to the following, subject to the requirements of **Section 1218.1**.

1. Agriculture (AG) and Residential (R-1).
 - A. Traffic and regulatory signs.
 - B. One on-premise advertising sign for each principal or special use, other than dwellings, which sign shall not exceed thirty-two (32) square feet in area and shall be set back at least twenty-five (25) feet from the front lot line.
 - C. One (1) residential identification sign not exceeding four (4) square feet in area per dwelling unit.
 - D. One (1) real estate sign per premises or building and located only while said real estate is actually on the market for sale, rent or lease not exceeding sixteen (16) square feet and set back at least fifteen (15) feet from the front lot line. Two (2) real estate signs may be permitted if said property fronts two (2) roads or streets.
 - E. Directional signs not exceeding thirty-two (32) square feet which supply information about public places operated by federal state or local government, including natural phenomena, historic sites, area of natural scenic beauty, or naturally suited for outdoor recreation, and places for camping.
2. Residential – R-2 and R-3.
 - A. Traffic and regulatory signs.

- B. One (1) residential identification sign not exceeding four (4) square feet in area per dwelling unit.
 - C. One (1) real estate sign per premises or building and located only while said real estate is actually on the market for sale, rent or lease not exceeding four (4) square feet and set back at least fifteen (15) feet from the front lot line. Two (2) real estate signs may be permitted if said property fronts two (2) roads or streets.
3. Commercial – C-1 and C-2 and Industrial (IND).
- A. Traffic and regulatory signs.
 - B. Not more than two (2) on-premise advertising signs shall be permitted per principal business or commercial use. The total square footage of both signs shall not exceed one hundred twenty-eight (128) square feet. The following table describes the restrictions for each available sign type that is allowed in the C-1, C-2, and IND districts.

Type of Sign	Maximum Size	Placement	Maximum Height	Notes
Wall	64 square-feet	Anywhere on building	Height of wall	See note #4 below
Monument & Freestanding	64 square-feet	At least 10 feet away from road right-of-way	12 feet	For shopping centers, see note #3 below
Marquee & Canopy	64 square-feet	On structure	Height of highest eave	
Roof	64 square-feet	On Structure	Roof line	
Pole	64 square-feet	At least 10 feet away from road right-of-way	12 feet at grade of lot line	
Electronic Message Board	64 square-feet	At least 10 feet away from road right-of-way	12 feet	See note #8 below

- C. In the case of through lots (a lot or lots held under one ownership fronting on two streets), on a street, one sign may be allowed per access drive.
- D. In the case of a corner lot, situated on two or more streets, signs may be permitted on each street.
- E. Only one (1) monument sign shall be permitted on each lot, except that a shopping center shall be permitted one (1) monument sign for each major street frontage. A shopping center shall be allowed one (1) sign not exceeding two (2') foot by eight (8') feet for each business within the shopping center. The entire sign shall not exceed twelve (12') feet in height. If more than five (5) businesses are located in one shopping center, additional monument signs will be allowed using the same two (2') foot by eight (8') foot signs. One (1) wall is allowed per individual business of sixty-four (64) square feet in a shopping center.
- F. The height of wall signs may be up to the height of the wall.
- G. Each business occupancy other than the ground floor shall be entitled to one (1) additional sign of the wall or flat type on the structure or incorporated within a

permitted projecting sign. These wall signs shall not be larger than two-thirds (66%) of the permitted wall sign for the first-floor business.

- H. One (1) sign not exceeding twelve (12) square feet may be permitted per additional building entrance, exit, or service window.
- I. Parcels with greater than four hundred (400') lineal feet of frontage may be granted additional signage at the site plan review phase.
- J. Electronic Message Boards. The message/symbol/picture change cycle of a changeable message sign shall be not less than twenty (20) seconds per message/symbol/picture. Time and temperature messages only may change with a frequency of no less than five (5) seconds.
- K. Portable Signs. One (1) portable sign is permitted on each lot for a period that does not exceed twenty-four (24) total days during a calendar year. Temporary political signs and real estate signs are excluded from this provision.
- L. One (1) real estate sign per premises or building and located only while said real estate is actually on the market for sale, rent or lease not exceeding sixteen (16) square feet and set back at least fifteen (15) feet from the front lot line. Two (2) real estate signs may be permitted if said property fronts two (2) roads or streets.
- M. One (1) off-premise advertising sign not exceeding thirty-two (32) square feet may be allowed by special use permit issued by the Planning Commission.
- N. Technique to measure the area of a sign:
 - i. Measurement of a sign includes the entire area within a circle, triangle, parallelogram, or other geometric configuration enclosing the extreme limits or writing, representation, emblem or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed and any numbers displaying the address of the use.
 - ii. Sign with two or more faces: The area of all faces shall be included in determining the total area of the sign, EXCEPT where two such faces are placed back-to-back and are at no point more than two feet from one another, the total area of the sign shall be taken as the area of one face. If the two back-to-back faces are of an unequal area, and are no more than two feet from one another, the area of the larger face shall be considered the total area of the sign.
 - iii. Sphere: The total area of the sphere shall be divided by two (2) to determine the maximum permitted sign area.
 - iv. The height of a sign shall be measured from the average grade of the lot at the setback line.
 - v. If a sign includes a numeric address, the portion of the sign containing the address numbers shall not be counted toward the total square footage of the sign.

Section 1219 Off-Street Parking, Loading and Unloading Requirements and Standards

Off-street parking space with adequate access to all spaces shall be provided and maintained in all zoning districts at the time of erection or alteration of any main building, that is adequate for parking, loading and unloading of vehicles according to the requirements listed below, and including at least the minimum number of spaces required by the table in **Section 1219.1** Minimum Number of Parking Spaces per Unit.

Subsection 1219.1 Parking Requirements

1. Parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.
2. Residential off-street parking space shall consist of a parking strip, driveway, garage or any combination located on the premises they are intended to serve. In a residential district, a commercial vehicle may be parked provided the vehicle is used by the occupant of the residential unit.
3. Adequate space should be provided in all parking areas to facilitate turning around of vehicles so that the entry on to streets and roads may be in a forward manner and not by backing. Furthermore, in parking areas where internal movement of vehicles is necessary, adequate aisle space shall be provided to insure vehicular and pedestrian safety.
4. A minimum of nine (9) feet by eighteen (18) feet, or a minimum of one hundred sixty two (162) square feet shall comprise one (1) vehicular space.
5. Computation of floor area of buildings shall be exclusive of basements, cellars or attics where these areas are used for storage or utilities; calculated using the outside perimeter of building. In the case of a single-story structure, the floor area may be reduced by ten (10) percent to accommodate storage or utilities.
6. The Township Planning Commission shall determine the required parking space not specified in **Section 1219.2** Minimum Number of Parking Spaces per Unit of Measure.
7. Adequate area must be provided for snow piling. Handicap parking must be provided as required by State and Federal regulations. Designation of parking area must be clearly identified for use by the public.

Subsection 1219.2 Minimum Number of Parking Spaces per Unit of Measure

Land Use	Minimum Parking Space Required per unit of Measure
Auto repair and service stations	Two (2) spaces for each service bay; plus one (1) space for each employee on maximum working shift.
Banks, business offices, studios and professional offices of architects, lawyers, and similar professions	Three (3); plus one (1) additional space for each three hundred (300) square feet of floor area
Barber shops and beauty parlors	Two (2) for each operator chair; plus one (1) for each two (2) employees
Bed and breakfast establishments	Two (2) spaces for the operator; plus one (1) for each guestroom; plus one (1) space for each non-resident employee.
Bowling establishments	Five (5) spaces for each bowling lane
Churches, theaters and auditoriums except schools	One (1) for each four (4) seats; plus one (1) for each two (2) employees
Community center, library, museum or art center	One (1) space for each two hundred (200) square feet of floor area
Dwellings	Two (2) for each dwelling unit
Elementary and middle schools	One (1) space for each two (2) employees, plus one (1) space for each four (4) seats where the school contains an auditorium and/or stadium or gym.
High schools and colleges	One (1) space for each employee, plus one (1) space for each five (5) students (based on the capacity of the facility as determined by the fire marshal), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
Home occupations	Two (2) spaces for dwelling use; plus additional spaces as determined by Planning Commission to accommodate customers or clients
Hospitals, clinics and similar establishments	One (1) for each bed and/or examining room plus one (1) for each two (2) employees on maximum working shift; plus one (1) for each two hundred (200) square feet of floor area
Laundromats	One (1) for each two (2) washing machines and/or dry-cleaning machines
Hotels, motels, tourist homes and lodging houses	One (1) for each sleeping room; plus one (1) for each two (2) employees on the maximum working shift
Industrial or warehouse establishments	Two (2) for each three (3) employees on the maximum working shift; plus space to Accommodate all vehicles used in connection with the operations of the establishment
Plumbing, printing and similar service shops and businesses	One (1) for each employee; plus one (1) for each three hundred (300) square feet of floor area.
Private clubs, night club, dance halls and similar recreational establishments	One (1) for each one hundred (100) square feet of floor area
Professional offices of doctors, dentists and similar professions	One (1) for each one hundred (100) square feet of floor area or a minimum of four (4) spaces, whichever is greater.
Restaurants, and similar establishments	One (1) for each one hundred (100) square feet of floor space
Retail stores	One (1) for each one hundred fifty (150) square feet of floor area

Retail stores greater than seventy-five thousand (75,000) square feet	One (1) for each three hundred (300) square feet of floor area
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Subsection 1219.3 Loading and Unloading Space

Every building or structure engaged in loading and unloading goods shall provide space on the premises in addition to that required for parking, for the loading, unloading, and standing of all vehicles to avoid undue interference with public use of the highway.

Section 1220 Bed and Breakfast Operations

It is the intent of Colfax Township to preserve the character of the residential district in which a bed and breakfast operation is located. A bed and breakfast operation is a subordinate use to a single-family dwelling unit subject to the following conditions:

1. A bed and breakfast operation shall be confined to the single-family dwelling unit, and the operator shall live on the premises when the operation is active.
2. The number of rooms available for guests shall be limited to six (6). Each guest room shall be equipped with a separate functioning smoke detector alarm. A fire extinguisher in proper working order shall be installed and maintained on every floor. Guests shall have access to lavatory and bathing facilities.
3. Two (2) off-street paved or graded parking spaces shall be provided for the operator of the bed and breakfast, plus one (1) parking space for each available guestroom and one (1) for any non-resident employee.
4. The dwelling unit shall have no exterior evidence, other than one (1) non-illuminated permanently installed sign not exceeding twelve (12) square feet in area, to indicate that the same is being utilized for any purpose other than as a residence. Such sign must conform to the requirements of this Ordinance.
5. Breakfast may be served only to overnight guests, and in accordance with state and county public health regulations regarding bed and breakfast operations.
6. Any number of dwelling residents may assist with the bed and breakfast operation, but not more than two (2) non-resident employees may be hired.
7. The bed and breakfast operation shall produce no excessive noise, traffic, glare or other nuisance that would be detrimental to the character of the neighborhood.
8. Persons operating a bed and breakfast facility shall apply for and receive a permit from the Zoning Administrator prior to commencing operations. The permit shall be renewed and updated at three-year intervals thereafter. Bed and breakfast operations are subject to inspection by the Zoning Administrator.

Section 1221 Garage or Yard Sales

Not more than three (3) garage or yard sales shall be conducted at any dwelling during a calendar year. Each such garage or yard sale shall not exceed three (3) continuous days duration. Temporary signs for the sale shall be removed at the end of the sale.

Section 1222 Landscaping

A separate detailed landscape plan shall be submitted as a part of a site plan review if a proposed new use is adjacent to a residential district. The landscape plan shall include, but not necessarily be limited to, the following items:

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

Section 1223 Open Space Preservation Residential District (OSPRD) Option

Subsection 1223.1 General Provisions; Description; and Purpose

1. Purpose. The purpose of this Section is to carry out the provisions of Act 110 of the Public Acts of 2006, as amended (now MCL 125.3101 et seq), to include an open space preservation provision in Colfax Township's Zoning Ordinance that results in an enhanced living environment in the Township through preservation of natural features, agriculture, and rural landscape. The regulations in this Section propose to accomplish this purpose by

permitting the grouping of new residential homes on the most suitable portion of sites while permitting the remaining portion of the site to be perpetually preserved as open space. The regulations in this Section are also intended to accomplish the following non-exclusive list of purposes:

- A. Preserve natural drainage systems, open space, farmlands, rural character, woodlands and wetlands, natural topography, and environmentally sensitive areas.
 - B. Achieve a higher quality of residential development than could otherwise be achieved under conventional zoning.
 - C. Achieve development that is consistent with the Township's General Development Plan.
 - D. Preserve as much natural vegetation and terrain as possible.
 - E. Preserve open space for recreation.
 - F. Reduce the capital cost of development.
 - G. Limit soil erosion potential by reducing the amount of clearing and grading on the site.
2. The Township is empowered by Act 246 of the Public Acts of 1945, as amended (now MCL 41.181), to adopt Ordinances regulating the public health, safety, and general welfare of persons and property; and by Act 110 of the Public Acts of 2006, as amended (now MCL 125.3101), to provide an open space preservation option in its zoning ordinance.

Subsection 1223.2 Open Space Preservation Residential District General Principles

1. Eligible Property.
- A. All property in Colfax Township that, according to the Township's Master Plan, is zoned for residential development at a density equivalent to 2 or fewer dwelling units per acre if not served by a public sewer system, or 3 or fewer dwelling units per acre if served by a public sewer system may be developed according to either of the following:
 - a. the existing conditions and requirements for the zoning district in which the property is situated, or
 - b. the OSPRD option in this section.

If the latter option is selected, the property shall be developed under the conditions and requirements of this section, other applicable ordinances, laws, codes, and rules, including rules relating to suitability of groundwater for on-site water supply for land not served by public water and rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.
 - B. The OSPRD option may not be exercised if:
 - a. the option has previously been exercised with respect to the subject land; or

- b. the development thereunder depends on the extension of a public sewer or public water supply system, unless development of the land without the exercise of the OSPRD option provided in Section 425 would also depend upon such an extension.

2. Guarantee of Preservation of Open Space.

- A. An applicant seeking to develop land under the OSPRD option must set aside a portion of that land, as explained in Subsection 1223.11, as dedicated open space through an irrevocable conveyance that guarantees that the dedicated open space will remain perpetually in an undeveloped state and be maintained in the manner approved by the Township. This conveyance must be in the form a permanent conservation easement, established according to MCL 324.2140 et seq of the Natural Resources and Environmental Protection Act.
- B. The purpose of the conservation easement described above is to ensure that the dedicated open space will be (i) protected from all forms of development and retained in an undeveloped state (except as otherwise allowed under Section 1223); (ii) shown on an approved site plan; and (iii) never changed to another use.
- C. The conservation easement, at a minimum, must contain provisions that:
 - a. Indicate the allowable use(s) of the dedicated open space with site plan approval.
 - b. Prohibit the dumping or storing of any hazardous materials or refuse on the dedicated open space.
 - c. Prohibit any activity that may cause risk of soil erosion on the dedicated open space.
 - d. Prohibit the use of motorized off-road vehicles on the dedicated open space.
 - e. Prohibit cutting, filling, or removal of vegetation (with the exception of invasive species) from wetland sites on the dedicated open space.
 - f. Prohibit the use of pesticides, herbicides, or fertilizers within or adjacent to wetlands on the dedicated open space.
 - g. Require that either the person or entity having an ownership interest in the dedicated open space, the person or entity having the right to use the open space, or the applicant (or its successor) maintain the open space, as the Township Planning Commission determines.
 - h. Provide standards of scheduled maintenance of the dedicated open space.
 - i. Provide for maintenance of the dedicated open space to be undertaken by the Township Board, and the costs thereof assessed against the person or entities responsible for maintaining the dedicated open space, if: (i) the person(s) or entities which the Township Board declared to be responsible for its maintenance fails to adequately maintain the open space, or (ii) the Township Board determines that the dedicated open space is a public nuisance.

- j. Reflect that the conveyance is recorded on every deed of parcel in the development.
 - k. Provide that, if the land trust or conservancy holding the conservation easement ceases to exist, the dedicated open space reverts to Colfax Township.
- D. The conservation easement is to be held by the Township or a recognized land trust or conservancy approved by the Township Planning Commission, must be in a form acceptable to the Township, and must duly recorded in the Huron County Register of Deeds office. This provision does not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township Planning Commission and the land uses continue as approved in the OSPRD area plan.
3. Cohesive Neighborhood. The proposed OSPRD development must be designed to create a cohesive residential neighborhood through common open space areas for passive or active recreation and resident interaction. All open space areas must be equally available to all residents of an OSPRD.
 4. Unified Control. A proposed open space development must be under single ownership control such that a single person or entity has proprietary responsibility for completing and maintaining the development. The applicant must provide documentation of such ownership or control in the form of agreements, contracts, etc., that indicate that the development will be completed in its entirety as approved and continued to be maintained as approved.

Subsection 1223.3 Principal Permitted Uses; Accessory Uses

- A. Principal Permitted Uses. Except as otherwise indicated in Section 1223 and excluding common areas or dedicated open space areas in an OSPRD, only detached single-family residential dwellings that have a minimum of 1,000 Square feet of living area, are permitted in an OSPRD area.
- B. Agricultural Land Uses. Agricultural land uses, as defined in Article III, are permitted uses in an OSPRD as indicated in Section 1223.4.
- C. Accessory Uses.
 1. Accessory uses and buildings incidental to the principal permitted uses are allowed in areas of an OSPRD that are not part of the dedicated open space areas.
 2. Accessory uses and buildings incidental to the permitted recreational, conservation, and agricultural uses (including passive recreational activities, roadside stands, storage buildings, barns, and silos when part of a farming operation) are allowed in the dedicated open space areas.

Subsection 1223.4 Dedicated Open Space Land Requirements.

- A. Minimum Project Size. The minimum size of an OSPRD is 10 acres of contiguous land.
- B. Permitted Uses of Open Space Land. All land in an OSPRD development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, a utility easement, or an approved land improvement, must be set aside as common land for recreation, conservation, or farm or other agricultural land uses, or otherwise preserved in an undeveloped state. Grading is permitted if minimal and with the intent to use existing topography.
- C. Clustering.
 - 1. Dwelling units in an OSPRD must be grouped such that the grouping results in the dedicated open space in an OSPRD development being at least 60% of the total buildable area on the subject property.
 - 2. At least 60% of the total dedicated open space must be linked as a single unit.
- D. Dedicated Open Space. The dedicated open space must be located such that it preserves significant natural resources and connects open spaces throughout the development with adjacent open space. Open space along the exterior public roads must have a depth of at least 100 feet (either landscaped with natural vegetation or preserved in a natural wooded condition). All vegetation must be native to the area. The open space along the exterior public roads must be landscaped with at least 1 tree for each 20 feet of road frontage.
- E. Conservation Easement. The applicant must set aside the dedicated open space through a permanent conservation easement that satisfies the requirements in Subsection 1223.2(B).
- F. Connection to Adjacent Dedicated Open Space or Area. The Township may require that dedicated open space connect with adjacent dedicated open space, public land, or existing or planned pedestrian or bicycle paths.
- G. Allowable Structures on Dedicated Open Space Land. Any accessory structure or building described in Subsection 1223.3(C) may be erected in the dedicated open space in accordance with an approved OSPRD development plan. The total floor area of such an accessory structure or building may not, in the aggregate, exceed 1% of the required dedicated open space area.
- H. Recreational Facilities. The following recreational facilities are permitted on the dedicated open space land: a neighborhood park, a golf course, a picnic area, a children's play area, a greenway, recreational trails, soccer, softball, and baseball fields, bicycle paths, or similar recreational facilities that provide a feature of community-wide significance and enhance residential development. Notwithstanding, at all times at least 50% of the entire land area proposed to be the subject of an OSPRD development must be maintained in an undeveloped state, by means of a conservation easement described in Subsection 1223.2.

- I. Calculating Open Space. Except as provided below, any undeveloped land, in the boundaries of the subject parcel, that is a buildable area of the land may be included as required dedicated open space, including land used for farms or other agricultural land uses.

- J. Areas Not Considered Dedicated Open Space. The following land areas may not be included in calculating dedicated open space for the purpose of Section 1223:
 - 1. The area of any private or public street, or right-of-way.
 - 2. Any lot including the required setbacks surrounding a residential structure.
 - 3. Stormwater retention and treatment areas.
 - 4. Any submerged land area.

- K. Minimum Open Space. The proposed OSPRD development must contain at least as much dedicated open space as would otherwise be required by the existing underlying zoning district.

- L. Access to Dedicated Open Space. All owners of lots in an OSPRD must be permitted access to the dedicated open space. Use of dedicated open space may be restricted to dwelling owners in the development.

Subsection 1223.5 Density Calculations.

- A. Maximum Density. In no case may the density of residential dwellings in an OSPRD development exceed the density allowed by the underlying zoning district. The maximum density in an OSPRD development is to be determined as follows:
 - 1. The applicant must prepare and submit to the Colfax Township Planning Commission a parallel design for the project showing a feasible development under the requirements of all State, County, and Township requirements and regulations. The design should include all information required for preliminary plat designs. The Planning Commission thereafter must review the design and determine the number of lots that could feasibly be constructed on the subject property following the parallel design. This number, as determined by the Planning Commission, is the maximum number of dwelling units allowable for the OSPRD project. It must be determined by the Planning Commission that this parallel plan is able to be physically constructed and meet all current applicable regulations should the OSPRD request be denied or not constructed. The Planning Commission shall determine and declare this number following a public hearing. If there is a question regarding water, septic, wetlands, or floodplains, the Planning Commission may request validation from the proper regulatory authority.

 - 2. In calculating maximum density under this Section, the Planning Commission may consider only buildable areas; existing water, wetlands, and roadways may not be considered.

Subsection 1223.6 Design Standards

- A. Natural Features Preservation. The OSPRD development must be designed to promote the preservation of natural features. Individual lots, buildings, streets, and parking areas must be designed and situated to minimize alteration of the natural environment. If animal or plant habitats of significant value exist on the site, the Township Planning Commission as a condition of approval may require that the open space development plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.
- B. Location of Lots. Where practical and feasible, residential lots in an OSPRD development must be laid out as follows:
1. In locations that minimize the alteration of the natural environment.
 2. On the soil most suitable for subsurface septic disposal.
 3. In locations least likely to block or interrupt scenic views as seen from public roadways.
- C. Setbacks. The following design parameters will be used to establish setbacks:
1. Minimum front, rear, and corner yard setbacks are 50 feet.
 2. Minimum side yard setback is 15 feet on one side with a total for both sides of 50 feet.
 3. Minimum rear-yard setback 25 feet.
 4. Minimum distance between dwelling structures is 30 feet.
- D. Minimum Lot Width. The minimum lot width is 80 feet as measured from the front building line.
- E. Dwelling Placement. Dwelling placement must be planned to screen homes from off-site vantage points, away from environmentally sensitive areas, existing agricultural areas, sites suitable for open space and upwind from areas subject to land management practices that may cause dust, noise, smoke, odors, or similar problems. Dwelling placement on a lot must be as far as possible from agricultural areas, but in no case may they be closer than 100 feet from said areas.
- F. Septic Tanks and Fields. The placement of septic tanks and fields must comply with the requirements of applicable state, county, and local governing units. Drain fields may be placed in dedicated open space or transition areas if permitted by state, county, and local regulations.
- G. Road Access. Direct access onto a County road or State highway is required for an OSPRD development, and the nearest edge of any entrance or exit drive may be located no closer than 200 feet from any existing street or road intersection (as measured from the nearest right-of-way line).

H. Internal Roads. Internal roads within an OSPRD development may be public or private.

1. Construction of private roads as a means of providing access and circulation is encouraged.
2. Such roads in an OSPRD development must meet the design requirements of the Colfax Township Zoning Ordinance and Huron County Road Commission. All roadways constructed must satisfy existing applicable requirements with respect to storm drainage system, storm sewers, drain inlets, manholes, and bridges. The drainage requirements for each development must be established by the Huron County Drain Commission Board. All roads designed for an open space development must be approved by the Township Planning Commission before construction.
3. Application, review, and approval of a proposed private road must follow the same procedures as site plan review applications regarding notice and timing.
4. No private road shall provide connection or access to industrial or commercial property.
5. An inspection fee shall be paid by the developer prior to site plan review, so that the Huron County Road Commission may ensure proper and safe private road construction. Fee to be set by Board resolution.
6. Off-street parking requirements will be in accordance with the provisions of the Colfax Township Zoning Ordinance.

I. Pedestrian Access.

1. An OSPRD development plan must provide:
 - a. pedestrian access to all non-agricultural open space areas from all residential areas,
 - b. connections between open space areas,
 - c. public thoroughfares, and
 - d. connections between appropriate on- and off-site uses.
2. Trails within an OSPRD development may be constructed of gravel, woodchips, or other similar material, but the Township Planning Commission may require construction of 8-foot-wide asphalt bike paths through portions of the development or along any public right-of-way abutting the OSPRD development. School bus stop locations must be provided on the OSPRD development area plan.

J. Historic Structures. When property that is the subject of a proposed OSPRD development contains a structure or building that the Township Planning Commission deems to be of historic, cultural, or architectural significance, the Township Zoning Board may require that the structure must be retained if suitable for rehabilitations. Adaptive reuse of existing structures for residential use or permitted accessory residential uses is permitted.

Subsection 1223.7 Regulatory Flexibility.

- A. To encourage flexibility and creativity consistent with the intent of the open space development concept, the Township Planning Commission may recommend and the Township Zoning Board of Appeals may grant, as part an OSPRD development approval process, specific departures from the requirements of the Colfax Township Zoning Ordinance that pertain to the following: height, setback, off-street parking, and yard and lot width standards.
- B. The Planning Commission may only recommend the departures if it makes written findings that such departures: (i) will result in enhanced buffering from adjacent land uses or public rights-of-way, or preservation of natural features or farmland, (ii) are supported by evidence that such departures are justified by unique topographic conditions, vegetation, grades; (iii) will preserve natural features and open areas; and (iv) fulfill the intent of Section 1223.
- C. Upon recommendation of the Planning Commission, the Township Zoning Board of Appeals must hold a hearing on the matter, after which it may grant the recommended departures only if it finds evidence to support the requirements listed in Subsection 1223 (B).

Subsection 1223.8 Application Procedures and Final Site Plan Requirements.

- A. To accomplish the objectives of Section 1223, an applicant must submit to the Township Planning Commission a preliminary plan that is consistent with the standards and requirements in Section 1223. The Planning Commission must then review the matter. If the Planning Commission approves the preliminary plan, the Planning Commission shall sign it and cause it to be filed with the Planning Commission records.
- B. Within 12 months after the Township Planning Commission's approval, the applicant must submit a final detailed plan showing that specific and detailed provisions have been made to satisfy the essential conditions of Section 1223.8, whereupon (except for the requirement of recording in the Register of Deeds) the plan must be processed in the same manner as for site-plan review.

Subsection 1223.9 OSPRD Development Standards; the Preliminary Plan.

The preliminary plan submitted under Subsection 1223.8 must show the layout of the total area to be included in the proposed OSPRD development, and be accompanied by documentary evidence to the satisfaction of the Planning Commission establishing all of the following:

- A. The plan is consistent with the Township's General Development Plan as adopted and amended, and will further the general welfare of the Township.
- B. The appropriate use and value of the adjacent property will be safeguarded.

- C. The capacity of existing or proposed utilities, streets, and thoroughfares is adequate to absorb the additional burden created by the OSPRD development.
- D. The development will (a) consist of a grouping of buildings or other structures compatible with each other, (b) adequately provide proper parking, (c) provide required open space, and (d) have a single development and maintenance unit.
- E. Proper and sufficient provisions are made for at least 50% of the dedicated open space to be perpetually retained in an undeveloped state, and that at least 60% of the total land area will be dedicated open space.
- F. All buildings will be served by a State-approved sewage disposal system, State-approved water supply system, and State-approved utility service for all other utilities.
- G. Any reduction in the minimum lot area per dwelling otherwise required by Section 1223 will result in increased open space immediately available to the development's residents and will be in addition to any other requirements for open space contained in this Ordinance or any other ordinance, law or regulation.
- H. The overall design and land uses proposed in connection with an OSPRD development is consistent with the intent, principles, and requirements of Section 1223.
- I. The plan is designed to minimize the impact of traffic generated by the proposed development on surrounding areas.
- J. The plan is protective of the natural environment and complies with all applicable environmental protection laws and regulations.
- K. The plan complies with all applicable federal, state, and local regulations.
- L. The plan is consistent with other applicable ordinances, laws, and rules, including rules relating to suitability of groundwater for on-site water supply (for land not served by public water), and rules relating to suitability of soils for on-site sewage disposal (for land not served by public sewers).

Subsection 1223.10 Conditions.

- A. Reasonable Conditions. The Township Planning Commission may impose reasonable conditions on the approval of an OSPRD development in order to:
 - 1. Ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
 - 2. Protect the natural environment.
 - 3. Conserve natural resources or energy.

4. Ensure compatibility with adjacent land uses, and promote the use of land in a socially and economically desirable manner.
 5. Further the spirit of the Township's General Development Plan.
 6. Protect the public health, safety, and welfare of individuals affected by the project or those immediately adjacent to the community.
- B. Conditions on Record. All conditions imposed must be made part of the record of the approval and the OSPRD development agreement. The Planning Commission may include conditions with their recommendation.

Subsection 1223.11 General Requirements.

- A. General Application Requirements. The application for approval of an OSPRD development must be made according to procedures and guidelines adopted by resolution of the Planning Commission. The required materials must be submitted to the Township Clerk with all required fees.
- B. Effect of Approval. Approval by the Township Planning Commission of an OSPRD development plan must not require, and must not be construed as, an amendment of the Zoning Ordinance. All improvements and uses of the site must conform to the approved OSPRD site plan and comply fully with any conditions thereon.
- C. Land Use Permit. Following final approval of an OSPRD plan, a land use permit may be obtained. The applicant bears the obligation to obtain all other applicable Township, County, State, or Federal permits.

Subsection 1223.12 Recording of Action.

Upon final approval by the Township Planning Commission, the applicant must record an affidavit with the Huron County Register of Deeds that contains the full legal description of the project site, specifies the date of final Township Planning Commission approval, states the conditions that the Township Planning Commission imposed, and declares that all improvements will be carried out pursuant to the approved OSPRD development plan (unless an amendment is adopted by the Township). Also, the deed restrictions (and conservation easement) must be duly filed with the Huron County Register of Deeds, and copies of recorded documents must be presented to the Township Planning Commission within one (1) year after the Township communicates its final decision to the applicant.

Subsection 1223.13 Initiation of Construction.

- A. Every application under Section 1223, when approved by the Township Planning Commission, constitutes an agreement between the applicant and Township Planning Commission that (1) such installation will be made, completed, and operated as indicated by the approved plan, (2) such installation is consistent with Section 1223 and (3) the area, if it has been rezoned, will lose its new classification and revert to its former zoning classification if:

1. Construction does not commence within 12 months after final approval by the Township Planning Commission (unless the Township Planning Commission approved an extension before the expiration of the 12 months, as provided for below).
 2. There is a failure to complete construction or comply with the conditions specified in the approved plan.
- B. The applicant may apply in writing to the Township Planning Commission for an extension in which to commence construction, with an explanation of reasons justifying the requested extension. In no event may an applicant request an extension exceeding 12 months. The Township Planning Commission may grant a requested extension for good cause. No more than one extension may be given.

Subsection 1223.14 Continuing Adherence to Plan.

- A. An applicant who fails to adhere to an approved site plan must be deemed in violation of the use provisions of the Colfax Township Zoning Ordinance and is subject to prosecution for violation of this Ordinance.
- B. The Planning Commission may require that the applicant submit a performance guarantee to ensure the completion of the proposed development. The Planning Commission may request that the applicant submit a performance guarantee at any time throughout the application process.

Subsection 1223.15 Scheduled Phasing.

- A. Scheduled Phasing. When proposed construction is to be phased, the project must be designed such that each phase is fully functional on its own with respect to services, utilities, and open space. Each phase must contain the necessary components to ensure the protection of natural resources and the health, safety, and welfare of the users of the OSPRD development, and the residents of the surrounding area.
- B. Timing of Phases. Each phase of the project must be commenced within 12 months of the schedule set forth in the approved site plan. If construction of any phase is not commenced within the approved time period, the approval of the plan becomes null and void (unless the Township Planning Commission approves an extension as described in Subsection 1223.13).

Subsection 1223.16 Revision of Approved Plans.

- A. Minor Changes.
1. The Township Planning Commission may permit the applicant to make changes to an approved OSPRD development plan, in accordance with normal site plan review procedures outlined the Colfax Zoning Ordinance, for the following:

- a. Reduction of density;
 - b. Realignment of roads;
 - c. Modifications to setbacks;
 - d. Increasing the amount of dedicated open space; or
 - e. Changes to landscaping
2. The Planning Commission may grant an applicant’s request for such changes only after the Planning Commission receives evidence from the applicant that permits the Planning Commission to reasonably conclude that such changes:
- a. Will not adversely affect the initial basis for granting approval;
 - b. Will not adversely affect the overall OSPRD development, in light of the intent and purpose of such development; and
 - c. Will not result in the reduction of dedicated open space area as required herein.
- B. Major Changes. An applicant may seek, with respect to an OSPRD development, to make changes that do not qualify as minor under Subsection 1223.16 by submitting a revised OSPRD development plan for approval following the procedures set forth in Subsection 1223.8.

Section 1224 Wind Parks

Subsection 1224.1 Purpose and Findings.

- A. Purpose. The purpose of this Section is to establish standards for the siting, installation and operation of Wind Parks within the AG Agricultural District as a special use.
- B. Findings.
- 1. Wind energy is an abundant, renewable and carbon-free energy resource of the Township, and the conversion of wind energy to electricity may reduce dependence on nonrenewable energy sources and decrease the adverse effects that result from the use of conventional energy sources.
 - 2. The generation of electricity from properly sited Wind Energy Conversion Systems (WECS) can be cost-effective, and in many cases existing power transmission and distribution systems can be used to transmit electricity from WECS to utilities and transmission companies.
 - 3. Regulation of the siting, installation and operation of WECS is necessary to protect the health, safety, and welfare of neighboring property owners and the general public.
 - 4. If not properly sited, WECS may cause significant potential negative aesthetic effects because of their large size, lighting, and shadow flicker.

5. If not properly regulated, installation of WECS can create drainage problems through erosion and lack of sediment control for facility and access road sites, and harm farmlands through improper construction methods.
6. WECS may present a risk to birds, bats and other creatures if not properly sited.
7. If not properly sited, WECS may adversely affect the property values of adjoining property owners.
8. WECS may be sources of noise, which, if unregulated, can negatively impact the quiet enjoyment, health, and safety of persons and properties in their vicinity.
9. During WECS construction, traffic problems and damage to local roads may occur.
10. WECS can cause interference issues with various types of communications.
11. To be properly sited, WECS should be located in and surrounded by substantial tracts of largely undeveloped land, referred to in this Ordinance as Wind Parks, thereby diminishing the negative effects of WECS on surrounding properties outside Wind Parks.
12. By properly siting WECS in Wind Parks containing substantial surrounding undeveloped land, it is also possible to preserve the surrounding undeveloped land for agricultural uses and purposes that are not inconsistent with the location of WECS.
13. The Colfax Township Board takes a neutral stance on wind development but does wish that if it occurs within the Township, it meets the following set regulations.

Subsection 1224.2 Applicability.

Wind Parks may be allowed as a special use only within the AG Agricultural District, subject to the regulations and requirements of this Section and the general special use procedures, standards and criteria of Articles XIV, XV and XVI of this Zoning Ordinance. Wind Park connections, ancillary equipment and underground wiring may also be allowed to be installed in the Commercial and Industrial Districts as a component of a Wind Farm. All parcels, regardless of the zoning district may participate in proposed wind lease agreements, but no utility grade wind turbines shall be allowed in any Residential or Commercial Districts.

Subsection 1224.3 Application; Signatures.

The application for the special use for a Wind Park shall be submitted on a form prepared for that purpose by the Township and shall demonstrate the support in writing of each and every legal and equitable owner of each lot or parcel within Colfax Township that is participating in whole or in part in the Wind Park.

The applicant shall submit eight (8) copies of the application and all supporting materials to the Township Zoning Administrator. The Zoning Administrator will cause the application to be placed on the Planning Commission's regular meeting agenda.

Subsection 1224.4 Site Plan Drawing and Supporting Materials.

All applications for a Wind Park special use shall be accompanied by detailed site plans, drawn to scale and dimensioned, and certified by a registered engineer licensed in the State of Michigan, displaying the following information:

- A. All requirements for a site plan contained in Article XIV of this Ordinance.
- B. All lot lines and dimensions, including a legal description of each lot or parcel participating in the Wind Park.
- C. Names of the owners of each lot or parcel within Colfax Township that is proposed to be participating in the Wind Park.
- D. Location of proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and all above ground structures associated with each WECS.
- E. Location of all structures and above ground utilities located or proposed within the Wind Park. On-site buildings, structures, and utilities shall also be scalable on drawings.
- F. Location of all existing and proposed overhead and underground electrical transmission or distribution lines proposed as part of the Wind Park.
- G. Setbacks from each WECS to the nearest habitable structures within the Wind Park.
- H. Land elevations at each proposed WECS location and its relationship to the land elevations of all existing and proposed structures within the Wind Park. Existing contours provided by a professional land surveyor shall be acceptable.
- I. Access driveways to each WECS, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access driveways shall be subject to Huron County Road Commission approval, and the use of drives shall be planned so as to minimize the use of lands for that purpose.
- J. The location of all farmland within the Wind Park that is designated for preservation, a written description of the plan for preservation of farmland within the Wind Park, and copies of all easements, restrictive covenants, or other documents proposed to be used to achieve that plan.
- K. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers, during both the construction and operation of the WECS.

- L. A written description of the maintenance program to be used to maintain each WECS, including removal when determined to be obsolete or abandoned. The description shall include maintenance schedules, the types of maintenance to be performed, and removal procedures and schedules should the WECS become obsolete or abandoned.
- M. A copy of the manufacturer's safety measures to prevent uncontrolled rotation or over speeding.
- N. Planned lighting protection measures.
- O. Additional detail(s) and information as required by the special use requirements of this Ordinance, or as requested by the Planning Commission.
- P. A copy of the Environmental Impact Analysis.
- Q. A copy of the Avian & Wildlife Input Analysis.
- R. A Shadow Flicker Analysis indicating anticipated annual hours of shadow flicker on each home or habitable building.

Subsection 1224.5 Compliance with the County Building Code.

The applicant shall obtain County approval under the County Building Code as a condition of any special use permit under this section.

Subsection 1224.6 Construction Codes, Towers, & Interconnection Standard.

Each WECS shall comply with all applicable state construction codes, as well as Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and local jurisdiction airport overlay zone regulations. The tower shaft shall not be illuminated unless required by the FAA. Each WECS shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.

Subsection 1224.7 Farmland Preservation.

Farmland located within the Wind Park that is not designated as an immediate location of any WECS and accessory structures is encouraged to be preserved for agricultural uses and purposes through the execution and recording of appropriate farmland easements, restrictive covenants, or other documents approved by the Planning Commission. Although such preservation measures are not required, they will be favorably considered by the Planning Commission in the review of a special use application under this Section.

Subsection 1224.8 Design Standards.

- A. Height: The permitted maximum total height of each WECS (i.e., WECS height) shall be 500 feet including the blade in vertical position.
1. State and federal regulations may require a lesser height.
 2. As a condition of approval, the Township may require a lesser height for a WECS if it determines that it is reasonably necessary.
 3. Each WECS shall be constructed with a tubular tower, not a lattice tower.
 4. The Planning Commission may approve a WECS height of greater than 500 feet if the applicant clearly demonstrates that such greater height would be in the interest of persons and properties surrounding the Wind Park.
- B. Setbacks:
1. Setbacks from Property Lines:
 - a. Leased Property: A setback for a wind turbine from the property lines of adjacent property leased for the Wind Park is not required.
 - b. Non-Leased Property: The distance between a wind turbine and the property lines of adjacent non-leased properties shall be at least 1.25 times the height of the wind turbine, as measured from the top of the blade in its vertical position to the centerline of its base.
 2. Setbacks from Habitable Structures: The distance between a wind turbine and any residence, school, hospital, church, or public library, or any other habitable structure shall be at least 3.0 times the height of the wind turbine as measured from the top of the blade in its vertical position to the centerline of its base in each case or a distance of at least 1,400-feet, whichever is greater. A land owner of a participating parcel may sign a waiver to allow a setback of less than 1,400-feet, but the setback shall not be less than 1,000-feet from that owner's habitable structure.
 3. The distance between a wind turbine and the centerlines of roads and other public rights-of-ways (except County drain easements) shall be at least 1.25 times the height of the wind turbine, as measured from the top of the blade in its vertical position to the centerline of its base.
 4. The distance between a wind turbine and the nearest railroad shall be at least 1.0 times the height of the wind turbine, as measured from the top of the blade in its vertical position to the centerline of its base.
 5. The distance between a wind turbine and the nearest above-ground public electric power line or telephone line shall be at least 1.0 times the height of the wind turbine,

as measured from the top of the blade in its vertical position to the centerline of its base.

- C. Rotor or Blade Clearance: Blade arcs created by a WECS shall have a minimum of seventy-five (75) feet of clearance over and from any structure, adjoining property or tree. The minimum blade or rotor clearance above ground level shall be at least seventy-five (75) feet.
- D. Rotor or Blade Safety: Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80% of design limits of the braking system.
- E. Tower Access: To prevent unauthorized climbing, WECS must comply with at least one of the following provisions:
 - 1. External tower climbing apparatus shall not be located within twelve (12) feet of the ground.
 - 2. A locked anti-climb device shall be installed and maintained.
 - 3. A tower capable of being climbed externally shall be enclosed by a locked, protective fence at least ten (10) feet high with barbed wire fence.
- F. Signs: Each WECS shall have one sign, not to exceed two (2) square feet in area, posted at the base of the tower. The sign shall contain at least the following:
 - 1. Warning high voltage.
 - 2. Warning falling ice.
 - 3. Manufacturer's name.
 - 4. Emergency numbers (list more than one number).
 - 5. FAA regulated sign with precise description with latitude and longitude and shall also contain both the applicant's current telephone number and the current telephone number for the FAA's regional office having jurisdiction over Colfax Township.
 - 6. If fenced, place signs on the fence.
- G. Lighting: A lighting plan for each WECS shall be approved by the Planning Commission. Such plan must describe all lighting that will be utilized, including any lighting that may be required by the FAA. Such a plan shall include but is not limited to the planned number and location of lights, light color and whether any lights will be flashing. All tower lighting will comply with FAA regulations and guidance and shall be consistent with USFWS/MDNR guidelines.
- H. Electromagnetic Interference: Each WECS shall be designed, constructed and operated so far as possible so as not to cause radio, television and other wireless signal interference. In the event that electromagnetic interference is experienced, and the WECS is determined to cause radio, television or other wireless signal reception to be degraded from the conditions prior to the installation of the Wind Park through the proper utilization by an expert of

relevant facts, data and reliable scientific principles and methods, the WECS owner shall provide alternate service to each individual resident or property owner affected. If a property owner or resident is successful in demonstrating degradation of their radio, television or other wireless signal reception caused by a WECS, then the WECS owner shall also reimburse the property owner or resident for their reasonable costs and fees incurred to prove the existence and cause of the degradation.

- J. Noise Emissions: All WECS shall be manufactured and constructed with the best available noise reduction technology available at the time of their construction. The sound pressure level generated by a WECS shall not exceed 50 dB(A) as measured at a participating habitable structure, 50 dB(A) as measured at any non-participating property line, and 45 dB(A) as measured at any existing, non-participating habitable structure. This sound pressure level shall not be exceeded for more than 6 minutes (L 10) in any hour of the day. If the ambient sound pressure level exceeds 45 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

As part of the application and prior to installation, the applicant shall provide modeling and analysis that will confirm that the WECS will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the WECS, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 6 months of the commercial operation of the project.

- J. Distribution, Transmission and Interconnection: All collection lines and interconnections from the WECS to the electrical substation shall be located and maintained underground. The Planning Commission may waive the requirement that collection lines and interconnections be located and maintained underground if the Planning Commission determines that it would be impractical or unreasonably expensive to install, place, or maintain such collection lines and interconnections underground. All underground wiring shall be located at a minimum depth of four (4) feet below grade.

Subsection 1224.9 Approval Standards.

In addition to the other requirements and standards contained in this section, the Planning Commission shall not approve any Wind Park special use unless it finds that all of the following standards are met:

- A. The general special use standards contained in Article XVI of this Ordinance; and
- B. The Wind Park will not pose a safety hazard or unreasonable risk of harm to the occupants of any surrounding properties or area wildlife.

Subsection 1224.10 Conditions and Modifications.

Any conditions or modifications approved by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting. The Planning Commission may in addition to other reasonable conditions, require landscaping, walls, fences, and other improvements that are reasonable in relation to and consistent with the nature of the AG Agricultural District. After approval, at least two (2) copies of the final approved Site Plans shall be signed and dated by the Chairman of the Planning Commission and the authorized representative of the Applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the applicant's authorized representative. A paper copy and digital version of as-built plans shall be submitted to the Township within four (4) months upon completion of the Wind Park

Subsection 1224.11 Completion; Testing.

The applicant shall complete the Wind Park construction within twenty-four (24) months after commencement of construction. Within 12 months of completion and commencement of operation, the applicant shall be required to present a report prepared by a third party, qualified professional, demonstrating that the Wind Park while in operation meets the requirements of this Ordinance and the permit for special use with respect to noise emissions and electromagnetic interference, and shadow flicker effect.

Subsection 1224.12 Inspection.

The Township shall have the right upon issuing any Wind Park special use permit to inspect the premises on which each WECS is located at any reasonable time. The Township may hire a consultant to assist with any such inspections at the applicant's reasonable cost.

Subsection 1224.13 Maintenance and Repair.

Each WECS must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a WECS fails at any time to meet the requirements of this Ordinance or the special use permit with respect to noise emissions, electromagnetic interference, or shadow flicker effect, or that it poses a potential safety hazard, the applicant shall shut down the WECS within five (5) days after notice by the Zoning Administrator and not restart the WECS until the condition has been corrected. The applicant shall keep a maintenance log on each WECS, which shall be available for the Township's review upon request. The applicant shall keep all sites within the Wind Park neat, clean, and free of refuse, waste, or unsightly, hazardous, or unsanitary conditions.

Subsection 1224.14 Roads.

Any material damages to a public road located within the Township resulting from the construction, maintenance, or operation of a WECS shall be repaired at the applicant's expense. In addition, the applicant shall submit to the Huron County Road Commission a description of the routes to be used by construction and delivery vehicles; any road improvements that will be

necessary to accommodate construction vehicles, equipment, or other deliveries; and a performance guarantee acceptable to the Road Commission in an amount necessary to assure repair of any damage to the public roads cause by construction of the Wind Park or any of its elements.

Subsection 1224.15 Complaint Resolution.

The applicant shall develop a process to resolve complaints from nearby residents and property owners concerning the construction and operation of the Wind Park. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the Township from acting on a complaint. During construction and operation, the applicant shall maintain a telephone number during business hours where nearby residents and landowners can reach a project representative.

Subsection 1224.16 Abandonment.

Any WECS that is not used for the production of energy for a period of six (6) successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property, unless the applicant receives a written extension of that period from the Township Planning Commission in a case involving an extended repair schedule for good cause. All above and below ground materials (down to 4 feet below the ground) must be removed. The ground must be restored to its original condition within 180 days of abandonment.

Subsection 1224.17 Continuing Security and Decommissioning.

If any WECS is approved for construction under this Ordinance, the applicant shall be required to post continuing security and a continuing escrow deposit prior to commencement of construction, which shall remain in effect until the WECS has been finally removed, as provided below:

- A. Continuing Security: If a special use is approved pursuant to this section, the Planning Commission shall require security in the form of a cash deposit, irrevocable letter of credit, corporate bond or surety bond in a form, amount, time and duration deemed acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and any conditions of approval. When determining the amount of such required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a special use has been approved but before construction commences upon a WECS within the Wind Park. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to have each WECS fully removed (and all components properly disposed of and the land returned to its original state) should such structure or structures become abandoned, dangerous or obsolete, or not in compliance with this ordinance or the special use permit. Such financial security shall be kept in full force and effect during the entire time while a WECS exists or is in place, and such financial security shall be irrevocable and non-cancelable (except by the written consent of both the Township and the then-owner of the WECS).

- B. Continuing Escrow Deposit: A continuing escrow deposit to be held by the Township shall be funded in cash by the applicant prior to the commencement of construction of any WECS and shall be maintained by the WECS owner until the WECS has been permanently removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the special use permit, which costs can include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies which the Township anticipates it may have done that are reasonably related to enforcement of the Ordinance and the special use permit. If the Township is required to expend any portion of the escrow deposit, or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require that the WECS owner place additional monies into escrow with the Township. Alternatively, if lawful, applicant will pay permit fees equivalent to estimate of all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the special use permit, which costs can include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies which the Township anticipates it may have done that are reasonably related to enforcement of the Ordinance and the special use permit. As for the escrow requirement, this permit fees will also include a replenishment obligation if the permit fees paid by the applicant prove to be insufficient to cover the Township's enforcement fees, costs and expenses.
- C. Continuing Obligations: Failure to keep such financial security and escrow deposit in full force and effect at all times while a WECS exists or is in place shall constitute a material and significant violation of a special use and this ordinance, and will subject the WECS owner to all remedies available to the Township, including possible enforcement action and revocation of the special use.

Subsection 1224.18 Liability.

The applicant shall insure each WECS at all times and shall maintain such insurance on its own behalf and on behalf of the Township as a co-insured, with limits of liability not less than \$2,000,000 per occurrence for damages to persons and property (to be adjusted annually to an amount equivalent to 2013 dollars based on the CPI).

Subsection 1224.19 Colors.

A WECS shall be painted a non-obtrusive (light environmental color such as beige or gray) color that is non-reflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.

Subsection 1224.20 Shadow Flicker Effect.

All reasonable efforts shall be made not to affect any resident with any shadow flicker effect of 30 hours or more annually in the operation of any WECS.

Subsection 1224.22 Stray Voltage.

The applicant shall be responsible for compensation for damages due to any stray voltage caused by a WECS in accordance with the rules of the Michigan Public Service Commission.

Subsection 1224.24 Application Escrow Account.

An escrow account shall be funded by the applicant when the applicant applies for a special use for a Wind Park. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with the special use review and approval process, which costs can include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies which the Township anticipates it may have done that are reasonably related to the zoning review process for the particular application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the special use review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so promptly, the special use review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the Township shall also be applicable. Alternatively, if lawful, applicant will pay permit fees equivalent to estimate of all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the special use permit, which costs can include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies which the Township anticipates it may have done that are reasonably related to enforcement of the Ordinance and the special use permit. As with the escrow requirement, this permit fee will also include a replenishment obligation if the amount of the fee proves not to be sufficient to cover the Township's fees, costs and expenses.

Subsection 1224.25 Reasonable conditions.

In addition to the requirements of this section, the Planning Commission may impose additional reasonable conditions on the approval of a Wind Park as a special use.

Subsection 1224.26 Other Requirements.

Each Wind Park and WECS shall also comply with all applicable federal, state, and county requirements, in addition to other Township ordinances.

Section 1225 Single WECS for On-Site Service Only.

Single WECS For On-Site Service Only that are designed and intended to service the energy needs on only the property where the Single WECS is located may be approved in any zoning district as a special use, and do not require compliance with the full requirements of Section 1224, provided the property upon which the Single WECS is to be located is subject to the special use and site plan review and approval procedures and standards/criteria of this Ordinance, as well as all of the following:

- A. The tower shall not exceed a height of 60 feet.
- B. The blade diameter (tip to tip) shall not exceed 25 feet.
- C. The height of the overall WECS (with the blade in the vertical position) shall not exceed 75 feet above ground level (at normal grade).
- D. The distance of the WECS from all property lines shall be at least two (2) times the WECS height.
- E. The noise generated by the WECS shall not exceed forty-five (45) decibels on the dBA scale measured at the nearest property line.
- F. Towers with guy wires must be enclosed by a six (6) foot high chain link fence.
- G. All reasonable efforts shall be made not to affect any resident outside the boundaries of the property covered by the special use with any shadow flicker effect in the operation of the WECS.
- H. If the WECS ceases to perform its intended function for more than twelve (12) consecutive months, the property owner shall remove it and all associated material, equipment, and facilities no later than ninety (90) days after the end of the twelve (12) month period.

Section 1226 Solar Panel Energy Systems for On-Site Purposes

Subsection 1226.1 Purpose and Intent.

The purpose of this Section is to establish guidelines for the siting of solar panel energy systems placed upon a building or lot with the intent to service the energy needs of only that lot upon which the solar panel energy system is built, which shall be hereafter referred to as Solar Panel Energy Systems for On-Site Purposes. It is further the purpose and intent of this Section to:

- A. Promote the safe, effective, and efficient use of solar panel energy systems for on-site purposes in order to reduce the consumption of fossil fuels in producing electricity and decrease the air and water pollution that results from the use of conventional energy systems.

- B. Preserve and protect public health, safety, welfare, and quality of life by minimizing the potential adverse effects of solar panel energy systems, including aesthetic impacts and risks to the property values of adjoining properties.
- C. Establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of solar panel energy systems for on-site purposes shall be governed.

Solar panel energy systems for on-site purposes shall be permitted in all zoning districts, subject to the following regulations:

Subsection 1226.2 Location Standards.

Solar panel energy systems for on-site purposes must either be attached to permitted principal or accessory buildings or structures or be constructed as free-standing accessory structures. Solar panel energy systems for on-site purposes may be attached to the roof or the building wall, but not both.

- A. Attached to building. Where attached to a building or structure, the solar panel energy system for on-site purposes shall be subject to the same regulations as the building in terms of height and setbacks.
- B. Roof-mounted. Roof-mounted panels shall include solar panels integrated as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush-mounted solar panels that are attached or anchored directly to the roof surface.
 - 1. Solar panels integrated as the surface layer of the roof structure may be located on any part of the roof.
 - 2. Flush-mounted solar panels on the building roof may only be located on a rear- or side-facing roof. Flush-mounted solar panels on the building wall may only be attached to one (1) side or rear building façade and shall not face a street.
 - 3. Flush-mounted solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached.
 - 4. Flush-mounted solar panels installed on a building or structure with a flat roof shall not project vertically more than five (5) feet above the roof.
- C. Free-standing. Free-standing solar panel energy systems for on-site purposes that are not attached to a building or structure shall be permitted as accessory structures subject to the following regulations:
 - 1. Free-standing solar panels shall be permitted in the side or rear yard only.
 - 2. Free-standing solar panels shall maintain a front yard setback the same length as required for the principle building. However, the side or rear yard setback for the accessory building shall be fifty percent (50%) of the similar setback required for

the principal building, provided adequate fire truck access is maintained to the property.

3. When oriented at maximum tilt, free-standing solar panels shall not exceed a height of twelve (12) feet.
4. Area covered shall be included in the lot coverage calculations for the lot.
5. All power transmission lines shall be underground.
6. Free-standing solar panels shall not be visible from adjacent property and shall be screened by landscaping where necessary.

D. Mechanical tracking. Mechanical tracking solar panel energy systems for on-site purposes that are not attached to a building or structure shall be permitted as accessory structures subject to the following regulations:

1. Mechanical tracking panels shall be permitted in the rear yard only.
2. Mechanical tracking panels shall maintain a minimum side and rear yard setback of seventy-five (75) feet from the edge of the solar panel to the property line.
3. Only one (1) mechanical tracking solar panel energy system shall be permitted per each five (5) acres of property of the parcel.
4. When oriented at maximum tilt, the mechanical tracking panels shall not exceed twenty-five (25) feet above the natural ground level as determined by the zoning administrator.
5. Area covered shall be included in the lot coverage calculations for the lot.
6. All power transmission lines shall be underground.

Subsection 1226.3 Glare.

Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties, or roadways. Solar panels shall be finished with non-reflective coatings and any exposed frames or components shall have a non-reflective surface.

Subsection 1226.4 Building Permit.

Solar energy systems for on-site purposes shall conform to applicable industry standards. A building permit shall be obtained for a solar energy system in accordance with the Building and Electrical Codes.

Subsection 1226.5 Batteries.

When batteries are included as part of the solar panel energy system for on-site purposes, they must be placed in a secure container or enclosure when in use. When no longer in use, such batteries must be disposed of in accordance with applicable laws and regulations.

Subsection 1226.6 Removal.

If a solar panel energy system for on-site purposes ceases to perform its intended function for more than twelve (12) consecutive months, the property owner shall remove it and all associated

materials, equipment, and facilities no later than ninety (90) days after the end of the twelve (12) month period.

Section 1227 Solar Energy Conversion System: Utility-Scale

Subsection 1227.1 Purpose

The purpose of this section is to establish guidelines for the siting of solar energy conversion systems placed on a lot with the intent to provide utility-scale energy to the grid which shall be hereafter referred to as Solar Energy Conversion System (SECS). It is further the purpose and intent of this Section to:

1. Promote the safe, effective, and efficient use of solar energy conversion systems in order to reduce the consumption of fossil fuels in producing electricity and decrease the air and water pollution that results from the use of conventional energy systems.
2. Preserve and protect public health, safety, welfare, and quality of life by minimizing the potential adverse effects of solar energy conversion systems, including aesthetic impacts and risks to the property values of adjoining properties.
3. Establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of solar energy conversion systems shall be governed.

Subsection 1227.2 Applicability

SECS may be allowed as a special use in any Township Zoning District, subject to the regulations and requirements of this Section and the general special use procedures, standards and criteria of Articles XIV, XV, and XVI of this Zoning Ordinance.

Subsection 1227.3 Application; Signatures

The application for the special use for a SECS shall be submitted on a form prepared for that purpose by the Township and shall demonstrate the support in writing of each and every legal and equitable owner of each lot and parcel within Colfax Township that is participating in whole or in part in the SECS.

Subsection 1227.4 Site Plan

All applications for a SECS special use shall be accompanied by 8 copies of a detailed site plan, drawn to scale and dimensioned, and certified by a registered engineer licensed in the State of Michigan, displaying the following information:

- A. All requirements for a site plan contained in Article XIV of this Ordinance.
- B. Setbacks, designated panel area, location of property lines, buildings, and road rights-of-way.

- C. Existing structures on the subject property and properties within a quarter mile of the property.
- D. All existing and proposed underground and above ground utilities, servicing the subject parcel, whether on or off site, on the subject property and within one quarter mile of the property.
- E. All rights-of-way, wetlands, wooded areas, and public conservation lands on the subject property and within one quarter mile of the property.

Subsection 1227.5 Additional Special Use Criteria

In addition to the special use land use (and site plan) requirements contained in Article XVI, the applicant shall address the following topics in the application for SECS facilities.

1. Project Description and Rationale: Identify the type, size, rated power output, performance, safety and noise characteristics of the system including the transmission line/grid connection for the project. Identify the project construction time frame, project life, development phases, and potential future expansions and likely markets for the generated energy.
2. Analysis of On-Site Traffic: Estimated construction jobs and estimated permanent jobs associated with the development.
3. Visual Impacts: Graphically demonstrate the visual impact of the project using photos or renditions of the project with consideration given to setbacks and proposed landscaping.
4. Drainage Disposal Plan: A plan for drainage disposal and erosion control approved by the Huron County Drain Commissioner.
5. Waste: Identify any solid or hazardous waste generated by the project.
6. Lighting: Provide plans showing all lighting within the facility. No lights may adversely affect adjacent parcels. All lighting shall be shielded from adjoining parcels. Light poles are restricted to a maximum height of eighteen (18) feet.
7. Transportation Plan: Provide a proposed access plan during construction and operational phases. Show proposed project service road ingress and egress locations onto adjacent roadways and the layout of the facility service road system. Due to infrequent access following construction, it is not required to pave or curb solar panel access drives.
8. Public Safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways, and to the general public that may be created.
9. Sound Limitations: Identify sound levels at the property lines of the project when completed and operational. The sound levels should be expressed in dB units of Equivalent A-weighted Continuous Sound Level (Leq).
10. Telecommunications Interference: Identify any electromagnetic fields and communications interference that may be generated by the project.
11. Proof of Agreement or Application to Purchase Electricity: A copy of the application with the utility company that will be purchasing the electricity from the

- proposed site.
12. Documents to provide Proof of Easement with Adjacent Property Owners: Evidence of covenants, easements, or similar documentation with abutting property owners to allow the crossing of their property with any part of the SECS, to include but not limited to output lines.
 13. Airport Notification Proof: Proof of delivery of notification and date of delivery to all affected airports, of location and product glare test results, or proof of non-applicability.
 14. Airport Location Map: A map analysis showing a radius of five (5) nautical miles from the center of the SECS with any airport operations within this area highlighted.
 15. Environmental Impact Documentation: The applicant shall have a third-party qualified professional, approved by the Planning Commission, to conduct an analysis to identify and assess any potential impacts on the natural environment including wetland and other fragile ecosystems, historical or cultural sites, and antiquities, and adjacent agricultural uses such as rotating crops. The applicant shall take appropriate measures to minimize, eliminate, or mitigate adverse impacts identified in the analysis. In addition, a water usage or impact study shall be completed that will indicate any impact a SECS will have on Township water resources.
 16. Avian and Wildlife Impact Documentation: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
 17. Decommissioning Plan: The plan shall:
 - a. State the anticipated life of the project.
 - b. Describe estimated decommissioning costs in current dollars and provide that this figure shall be updated every fifth year after commercial operation of the project.
 - c. Include a description of the financial security guaranteeing removal of the system which must be posted with Colfax Township within fifteen (15) days after approval and before a building construction permit is issued for the project. The financial security shall be: 1) a cash bond; or 2) an irrevocable bank letter of credit or a performance bond approved by Colfax Township.

Subsection 1227.6 Lot Size

There is no minimum or maximum lot size. Each SECS is permitted as a special land use which review will consider its compatibility with the surrounding area.

Subsection 1227.7 Height Restrictions

All photovoltaic panels and support structures located in a SECS shall be restricted to a maximum height of twelve (12) feet when oriented at a maximum tilt.

Subsection 1227.8 Setbacks

All photovoltaic solar panels and support structures associated with a SECS (excluding any perimeter fencing) shall be set back a minimum of 25 feet from the side or rear property lines and a minimum of 50 feet from any road right-of-way. The panels and support structures shall be set back a minimum of 100 feet from an occupied residence on an adjacent lot. All facilities shall also be setback at least to the limit of any established County drain right-of-way or easement unless special provisions are formally agreed to with the Drain Commissioner so as not to impede/obstruct access along the County drain.

Subsection 1227.9 Lot coverage

Maximum lot coverage restrictions shall not apply to SECS photovoltaic solar panels. Any other regulated structures are subject to the maximum lot coverage restrictions of the underlying zoning district.

Subsection 1227.10 Safety/Access

A security fence (height and material to be proposed and reviewed/approved through the special land use permit process) shall be placed around the perimeter of the SECS and electrical equipment. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

Subsection 1227.11 Sound

The audible sound from a SECS may not exceed the Equivalent A-weighted Continuous Sound Level (Leq) limit of forty-five (45) dB at the adjacent property line.

Subsection 1227.12 Glare

Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties, or roadways. Solar panels shall be finished with non-reflective coatings and any exposed frames or components shall have a non-reflective surface.

Subsection 1227.13 Landscaping

- A. **Buffer:** The special land use application for a SECS shall include a proposed landscaping and screening/buffering plan. This plan shall be reviewed through the special land use approval process to assure that the proposed facility is appropriately landscaped in relation to adjacent land uses and road rights-of-way. The use of berms and evergreen plantings along the property lines adjacent to residential-zoned or used lots may be required as a buffer by the Planning Commission to address specific site needs at the time of site plan review. The buffer shall contain evergreen trees and bushes no more than eight (8) feet apart, and at least four (4) feet tall at the time of planting.

- B. Maintenance: Vegetation used by the SECS operator as a buffer shall be maintained with good husbandry techniques such as, but not limited to, proper pruning, fertilizer, and mulching so that the vegetation will reach maturity as soon as practical with the maximum density of foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting season. Plants or grasses not part of the landscaping shall be maintained by the facility operator not to exceed 12 inches in height.

Subsection 1227.14 Local, State and Federal Permits

SECS facilities shall be required to obtain all necessary permits and licensing from Colfax Township, Huron County, State of Michigan and U.S. Government as applicable prior to construction and shall maintain any necessary approvals as required by the respective jurisdictions or agencies.

Subsection 1227.15 Electrical Interconnections

All electrical interconnections or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of above ground transmission lines are prohibited within the site.

Subsection 1227.16 Roads

Any material damage to a public road located with the Township resulting from the construction, maintenance, or operation of a SECS shall be repaired at the applicant's expense. In addition, the applicant shall submit to the Huron County Road Commission a description of the routes used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment, or other deliveries; and a performance guarantee acceptable to the Road Commission in an amount necessary to assure repair of any damage to public roads caused by construction of the SECS or any of its elements.

Subsection 1227.17 Complaint Resolution

The applicant shall develop a process to resolve complaints from adjacent residents and/or property owners concerning the construction and operation of the SECS. This process shall include a time limit for acting on a complaint. This process must be approved as part of the application process. The process shall not preclude the Township from acting on the complaint. During construction and operation, the applicant shall maintain a telephone number during business hours where adjacent residents and/or property owners can reach a project representative.

Subsection 1227.18 Decommissioning

The project shall be decommissioned if for twelve (12) months the project has not produced power, or if the Zoning Administrator determines that the project is no longer being maintained in an operable state of good repair. The decommissioning may be postponed by the Colfax Township Planning Commission upon presentation of substantial evidence of the intent to maintain and reinstate operation of the SECS.

If decommissioning is triggered by either of these two conditions, the project owner must remove all equipment, conduit, structures, fencing, roads, and foundations within six (6) months of notice to decommission from the Zoning Administrator. The site must be restored to original condition by filling with top soil and restoring to a state compatible with the surrounding vegetation.

Roads or access drives may remain in place following decommissioning upon presentation of a signed agreement to that effect by the property owner.

If the owner of the project or the underlying property owner fails to remove or repair any defective, abandoned or terminated project, Colfax Township, in addition to any other remedy under this Ordinance, may pursue legal action to abate the violation by seeking to remove the project and recover any and all costs, including attorney fees.

Subsection 1227.19 Continuing Security and Decommissioning

If any SECS is approved for construction under this Ordinance, the applicant shall be required to post continuing security and a continuing escrow deposit prior to commencement of construction, which shall remain in effect until the SECS has been finally removed as provided below:

- A. Continuing Security: If a special use is approved pursuant to this section, the Planning Commission shall require security in the form of a cash deposit, irrevocable letter of credit, corporate bond or surety bond in a form, amount, time, duration deemed acceptable to the Township which will be furnished by the applicant to the Township in order to ensure full compliance with this section and any conditions of approval. When estimating the amount of such required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a special use has been approved but before construction commences upon the SECS. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to have each SECS fully removed (and all components properly disposed of and the land returned to its original state) should such structure or structures become abandoned, dangerous, or obsolete, or not in compliance with this ordinance or the special use permit. Such financial security shall be kept in full force and effect during the entire time while a SECS exists or is in place, and such financial security shall be irrevocable and non-cancelable (except by the written consent of both the Township and the then-owner of the SECS).
- B. Continuing Escrow Deposit: A continuing escrow deposit to be held by the Township shall be funded in cash by the applicant prior to the commencement of construction of any SECS and shall be maintained by the SECS owner until the SECS has been permanently removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the special use permit, which costs can include, but are not limited to, reasonable fees of the Township Attorney, Township Planner, and Township Engineer, as well as costs for any reports or studies which the Township anticipates it may have done that are reasonably related to

enforcement of the Ordinance and the special use permit. If the Township is required to expend any portion of the escrow deposit, or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require that the SECS owner place additional monies into escrow with the Township. Alternatively, if lawful, applicant will pay permit fees equivalent to estimate of all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the special use permit, which costs can include, but are not limited to, reasonable fees of the Township Attorney, Township Planner, and Township Engineer, as well as costs for any reports or studies which the Township anticipates it may have done that are reasonably related to enforcement of the Ordinance and the special use permit. As for the escrow requirement, this permit fee will also include a replenishment obligation if the permit fees paid by the applicant prove to be insufficient to cover the Township's enforcement fees, costs, and expenses.

- C. Continuing Obligations: Failure to keep such financial security and escrow deposit in full force and effect at all times while a SECS exists or is in place shall constitute a material and significant violation of the special use and this Ordinance, and will subject the SECS owner to all remedies available to the Township, including possible enforcement action and revocation of the special use.

Subsection 1227.20 Subsequent Owners and Operators.

All subsequent owners and operators of a SECS are subject to the requirements of this Ordinance, including but not limited to the financial surety and escrow requirements of this Section.

Subsection 1227.21 Township Review.

Because of the ever-changing technical capabilities of photovoltaic solar panels and of new technology in general, the Colfax Township Planning Commission and the Colfax Township Board shall have the authority to review and consider alternatives in both the dimensional and physical requirements contained in this section as part of the special land use review process.

Subsection 1227.22 Liability.

The applicant shall insure each SECS at all times and shall maintain such insurance on its own behalf and on behalf of the Township with limits of liability not less than \$2,000,000 per occurrence for damages to persons and property (to be adjusted annually to an amount equivalent to 2018 dollars based on the CPI).

Article XIII Schedule of Regulations

Section 1300 Purpose

It is the purpose of the Zoning Ordinance to regulate the size, bulk, height and types of uses and structures in various districts to protect the general health, safety and welfare of residents living or

working within such districts. The following Schedule of Regulations stipulates the minimum allowable areas for land and buildings in each district as defined in this Ordinance.

No structure shall be erected, nor shall an existing building be altered or enlarged unless it conforms with the minimum area and setback requirements and maximum building heights as established for each district in this Ordinance.

Section 1301 Footnotes to Schedule of Regulations

1. A maximum lot ratio of one to four (lot depth cannot exceed four times the lot width) shall be maintained for all new lots created. This ratio will not apply to existing lots.
2. The minimum floor area per dwelling unit shall not include area of basements, utility rooms, breezeways, porches or attached garages.
3. The minimum floor space per dwelling unit shall be:

Efficiency	350 square feet
One-bedroom apartment	500 square feet
Two-bedroom apartment	700 square feet
Three-bedroom apartment	800 square feet

Plus an additional eighty (80) square feet for each additional bedroom.

Section 1303 Schedule of Regulations

ZONING DISTRICT	MINIMUM LOT SIZE		MAXIMUM BUILDING HEIGHT		MINIMUM YARD SETBACKS				MINIMUM FLOOR AREA PER DWELLING UNIT IN SQ. FT. (2)	MAXIMUM BUILDING COVERAGE OF LOT
	Acres	Width (1)	Stories	Feet	Front	At least one side	Total two sides	Rear		
AG Agricultural	1	100'	3	35	50'	15'	50'	25'	1,000	35%
R-1 Single-Family Residential	1	100'	2	25	50'	15'	50'	25'	1,000	35%
R-2 Single-Family/Two-Family Residential	1	100'	2	25	50'	15'	50'	25'	1,000/ 1,600	35%
R-3 Multiple-Family Residential	2	150'	2	25	50'	15'	50'	25'	(3)	35%
C-1 Neighborhood Commercial	1	100'	2	25	50'	25'	50'	25'	--	35%
C-2 Highway Commercial	2	150'	3	35	75'	25'	50'	50'	--	35%

IND Industrial	2	150'	3	35	75'	25'	50'	50'	--	35%
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See Section 1301 for footnotes

Article XIV Site Plan Review Procedure

Section 1400 Purpose

The proper development of a community requires that various uses within any district be as compatible as possible. There are, however, certain types of activities and structures that, because of size and the amount of traffic generated or attracted under normal use, lend themselves to potential conflict with surrounding uses. It is the responsibility of Colfax Township Planning Commission to provide procedures to insure the Township develops in accordance with the general intent of this Ordinance.

Section 1401 Circumstances Requiring Site Plan Review

Site plans are subject to review for the following uses:

1. All new uses except one-family and two-family residential units, agricultural uses, and their accessory uses.
2. Expansion or renovation of an existing use, other than one-family and two-family residential use or agricultural uses, which increases the existing floor space more than twenty-five percent (25%).
3. Changes of use for an existing structure.

Section 1402 Site Plan Information Required

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

1. The date, north arrow, scale, and name of individual or firm responsible for preparing said plan.
2. The boundary lines of the property, to include all dimensions and legal descriptions.
3. The location of all structures on the site, including proposed drives, walkways, signs, exterior lighting, parking (showing the dimensions of a typical parking area), loading and unloading area, common use areas and recreational areas and facilities.
4. The location and widths of all abutting rights-of-way.

5. The location of unusual environmental features, such as streams, wetlands, shore lands, etc.
6. The location and identification of all existing structures within a two hundred (200) foot radius of the site.
7. The name and address of the property owner.
8. The existing zoning district in which the site is located and, in case of a request for a zoning change, the classification of the proposed new district.
9. The location sketch of the proposed use or structure.
10. The type, location, and size of all utilities existing and proposed for the site.
11. The location, size, and slope of all subsurface drainage facilities.
12. A summary schedule and views should be affixed to site plans for proposed structures in applicable residential, commercial, and industrial districts, giving the following information:
 - a. The number of dwelling units proposed, by type, including a typical floor plan for each type of unit.
 - b. The residential area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
 - c. Typical elevation drawings of the front and rear of each building.
 - d. For multiple family developments and mobile home parks, the contour intervals of the topography of the existing and finished site shall be shown where the existing slope on any part of the building site is ten (10) percent or greater. Such contour shall be shown at lateral intervals of ten (10) feet.
13. A landscape plan subject to the provisions of **Section 1222**.

Section 1403 Submittal and Approval Procedures

All site plans, required as stated within this Ordinance, shall be submitted by the petitioner (property owner or designated agent) to the office of Zoning Administrator in three (3) copies. The Zoning Administrator shall cause the request for approval to be put on the agenda of the next regularly scheduled Planning Commission meeting, provided that such meeting is scheduled to be held at least forty-eight (48) hours after the applicant has submitted the site plan to the Zoning Administrator's office. If the regularly scheduled Planning Commission meeting is to be held within forty-eight (48) hours of such submittal by the applicant, the Zoning Administrator shall schedule the applicant's hearing for the next following regularly scheduled Planning Commission meeting.

The Planning Commission shall have the responsibility to approve, approve with specified changes and/or conditions, or disapprove the applicant's request, using the standard for site plan review included in this Ordinance as a basis for its decision.

Any conditions or changes stipulated by the Planning Commission shall be recorded in the minutes of the meeting and a copy of each said conditions or changes given to the applicant and Zoning Administrator. An approved site plan request shall contain the signatures of the Chairman of the Planning Commission, Zoning Administrator and the developer or agent.

Of the three (3) copies of the site plan submitted by the applicant, one (1) copy shall be kept on file by the Planning Commission, one (1) copy retained in the Zoning Administrator's office and one (1) copy retained by the applicant.

Section 1404 Fees

Accompanying the request for approval of a site plan, a fee set by the Township Board shall be submitted. Said fee is for the purpose of defraying administrative costs in processing the request for approval. Such fee may be used for reimbursing another party retained by the Planning Commission for expert consultation relative to the application.

Section 1405 Revocation

If the Zoning Administrator shall find that the conditions of an approved site plan are not being adhered to, the Planning Commission shall give notice to the applicant of its intent to revoke the prior approval given to the site plan. Intent to revoke shall be made known to the applicant by a registered letter sent to the applicant and signed by the Chairman of the Planning Commission. Said letter shall be received by the applicant fourteen (14) days prior to the stated date of revocation and shall contain the reasons for revoking the site plan approval.

If the applicant notifies the Planning Commission within fourteen (14) days of the receipt of the letter of his/her intent to rectify the violation, the Planning Commission, through official act, may defer the revocation.

Section 1406 Appeal

The decision of the Planning Commission modifying, denying or revoking site plan approval may be appealed by the property owner or his/her designated agent to the Colfax Township Zoning Board of Appeals. Request for appeal shall be made by written letter from the applicant to the Chairman of the Board of Appeals within five (5) days of disapproval, approvals by modification, or revocation of the site plan by the Planning Commission.

Section 1407 Site Plan Amendments

An approved site plan may be submitted for minor amendment to the Zoning Administrator for review and signature by the Planning Commission Chair. If, in the judgment of either the Zoning

Administrator or the Planning Commission Chair, the site plan amendment is major, the provisions of Section 1403 are followed.

Article XV Site Development Requirements

Section 1500 Scope

Those permitted uses and uses permitted by special exception in any zoning district, and if included below, shall be subject to all the conditions and requirements of this Article and **Article XIV**.

Section 1501 Airports, Aircraft Landing Fields

- A. Privately owned and maintained non-commercial aircraft landing strips, more or less parallel to a public road, shall be set back from such road for a minimum distance of two hundred (200) feet. Where a privately-owned landing strip is situated more or less perpendicular to a public road, such landing strip shall be separated from said road by a distance of at least four hundred (400) feet.
- B. All privately owned and maintained aircraft landing strips shall be at least two hundred fifty (250) feet from the nearest residential dwelling unit and at least one thousand (1,000) feet from all other buildings not designed as accessory structures for said aircraft landing field.
- C. All other aircraft landing fields or airports must conform to applicable Federal and State regulations and be approved by appropriate Federal and State agencies prior to submittal of a site plan to the Planning Commission.

Section 1502 Automobile Service Stations and Gasoline Service Stations

- A. The service area of any automobile service station shall consist of such capacity as to allow the servicing of at least three (3) automobiles per gasoline pump.
- B. Gasoline pumps shall be set back a minimum of twenty-five (25) feet from any street or right-of-way line.
- C. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists, and pits shall be enclosed within a building.
- D. When adjoining residentially zoned property, a six (6) foot screening fence shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All masonry walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles.
- E. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot screening fence and shall comply with requirements for location of

accessory buildings. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted for a period exceeding fourteen (14) days.

- F. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.
- G. Only one (1) free-standing sign per street frontage shall be permitted, not exceeding twenty-four (24) square feet in area, which shall display only the name of the user or occupant of the premises.

Section 1503 Campgrounds and Travel Trailer Parks

Minimum lot size shall be ten (10) acres. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire campground or travel trailer park. Each lot shall comply with Public Act 368 of 1978, as amended.

Section 1504 Child Care Centers, Family Child Care, Group Day Care Home

- A. Minimum lot and outdoor play area shall be in conformance with State law.
- B. Child Care Centers, Family Child Care, and Group Day Care shall be performed, sited, and regulated as provided in Public Act 110 of 2006, as amended.
- C. Child care shall be licensed, as specified in Public Act 116 of 1973, as amended.

Section 1505 Places of Worship

Places of Worship on an improved county road shall be subject to the restrictions of the particular district for which a site plan is submitted for approval.

Section 1506 Convalescent Homes

Convalescent homes shall be designed and constructed in accordance with State regulations.

Section 1507 Drive-Through Businesses

- A. The main and accessory buildings shall be set back a minimum of sixty (60) feet from any adjacent right-of-way line or residential property line.
- B. A six (6) foot high obscuring wall shall be provided adjacent to any Residential District.

Section 1508 Intensive Livestock Operation

All intensive livestock operations shall be subject to all the conditions and requirements of **Section 1211**.

Section 1509 Golf Courses and Country Clubs

- A. Minimum lot size shall be sixty (60) acres.
- B. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.

Section 1510 Junkyards

- A. The setback from the front property line to the area upon which junk materials are stored shall be not less than one hundred (100) feet and said area shall be screened from the roadway and from any adjoining residential or business uses by an obscuring fence eight (8) feet in height. Said fence to be kept uniformly painted, neat in appearance and shall not have any signs or symbols painted on it.
- B. All structures and fencing and used material storage yards shall be set back not less than one hundred (100) feet from any street or highway right-of-way.

Section 1511 Commercial Kennels

- A. All commercial kennels shall be operated in conformance with all County and State regulations.
- B. For dog kennels, the minimum lot size shall be five (5) acres for the first ten (10) dogs and an additional one (1) acre for each ten (10) additional animals.
- C. Buildings wherein animals are kept, animal runs and/or exercise areas shall not be located nearer than five hundred (500) feet to any adjacent occupied dwelling or any adjacent building used by the public.

Section 1512 Manufactured Housing Developments

Developments of three (3) or more manufactured or mobile homes shall be permitted in the R-3 Multiple-Family Residential District, provided such development comply with the requirements of the Mobile Home Commission Act, Public Act 96 of the State of Michigan, 1987, as amended, and shall be licensed by the State of Michigan, according to the Act.

Section 1513 Multiple Housing Development

A site plan shall be required prior to approval of a multiple housing development subject to the provisions of Article XIV.

Section 1514 Open-Air Business

- A. Minimum lot area shall be two (2) acres.

- B. Minimum lot width shall be one hundred fifty (150) feet.
- C. Lighting shall be installed in such a manner which will not create a traffic hazard on abutting streets, or which will cause a glare or direct illumination to be cast onto adjacent properties, residential or otherwise.
- D. In all cases of car sales lots:
 - i. All areas subject to vehicular use shall be paved with durable dust-free surfacing, with appropriate bumper guards where needed.
 - ii. Lighted parking areas shall not create a nuisance for nearby properties.
- E. In the case of a plant materials nursery:
 - i. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the district.
 - ii. All loading activities and parking areas shall be provided on the same premises (off-street).
 - iii. The storage of soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

Section 1515 Private Swimming Pools

Private swimming pools shall be constructed in strict accordance with State regulations.

Section 1516 Sexually Oriented Business

- A. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within two hundred fifty (250) feet of any principal or accessory structure of another sexually oriented business.
- B. No sexually oriented business shall be established on a parcel that is within two hundred fifty (250) feet of any parcel zoned R-1, R-2, or R-3.
- C. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence, park, school, childcare facility of any kind, or place of worship. The distance shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the residence, school, childcare facility, or place of worship.
- D. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- E. The proposed use must meet all applicable written and duly adopted standards of Colfax Township and other governments or governmental agencies having jurisdiction, and that

to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.

- F. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not be visible from neighboring properties or adjacent roadways.
- G. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- H. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business. Lettering no less than two (2) inches in height shall state: 1) “Persons under the age of 18 are not permitted to enter the premises”, and 2) “No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.”
- I. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- J. Hours of operation shall be limited to 12:00 noon to 12:00 midnight.
- K. All off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes.
- L. Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - i. Is handicap accessible to the extent required by the Americans with Disabilities Act;
 - ii. Is unobstructed by any door, lock or other entrance and exit control device;
 - iii. Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - iv. Is illuminated by a light bulb of wattage of no less than twenty-five (25) watts;
 - v. Has no holes or openings in any side or rear walls.

Section 1517 Telecommunications Towers

- A. The setbacks for each tower from adjacent right-of-way and/or property lines shall be not less than one time the height of each tower above the ground.
- B. Unless specifically waived by the Planning Commission, an open weave wire fence six (6) feet in height shall be constructed on the boundary property lines.

Section 1518 Roadside Stand

- A. Roadside Stand must comply with the Generally Accepted Agricultural and Management Practices (GAAMPs) for farm markets.
- B. Suitable containers for rubbish shall be placed on the premises for public use.
- C. If the roadside stand is housed in a physical structure, it shall be located not less than twenty-five (25) feet from the public road right-of-way. Its height shall be no more than one (1) story.
- D. Permit shall be required for a roadside stand operating or using a temporary building or structure. Said permit shall be good for no more than six (6) months, after which the temporary building or structure shall be removed, unless a new permit is obtained. No such temporary building or structure shall be used as or related to the operation or use of a roadside stand for more than two (2) consecutive six-month periods.
- E. Signage located outside the roadside stand must comply with the sign provisions of this Ordinance.

Section 1519 Soil Resource Extraction and Pond Construction

Subsection 1519.1 Soil Resource Extraction

- A. Scope: This sub-section regulates extraction, filling or repositioning of soil, sand, gravel, clay, or other geologic deposit involving disturbance of more than one thousand (1,000) cubic yards of material, when such disturbance is not related to construction of a building, structure, or parking lot. This sub-section also applies to artificial ponds created by soil excavation or intervention in watercourses, surface drainage, or groundwater aquifers, regardless of size and whether the creation of the pond is an end in itself or merely a by-product of soil extraction activity. Allowable Federal and State programs are exempt from this Section. Oil wells are specifically exempted from this Section, because they are regulated solely by the Michigan Department of Natural Resources.
- B. Additional Information Required: The Site Plan for any activity regulated by this sub-section must include the following additional information
 - 1. A profile of the proposed excavation, illustrating elevations and changes in slope, with elevations noted in five (5) foot intervals. If water is expected to accumulate in the excavation, the projected water level must also be shown.
 - 2. A soil evaluation report describing the excavation site and any needed drainage or seepage corrections.
 - 3. Location of well and/or septic system in relation to the proposed excavation.
- C. Conditions of any required environmental permits shall be obeyed at all times. All required State and County permits must be obtained after approval of site plan. Compliance with

PA 347 of 1972, the Michigan Soil Erosion and Sedimentation Control Act, is also required.

- D. Expansions to any existing soil resource extraction operation require a special use permit and must conform to the standards set forth in Article XVI.

Subsection 1519.2 Excavation Site Requirements.

- A. Avoid sites of ecological significance, such as wetlands or mature forest. If wetlands are to be affected, a State permit may be needed.
- B. Excavations that create ponds should be located to minimize the chance of pollution from sources such as feedlots, corrals, or septic tanks.
- C. Excavations may be no closer than fifty (50') feet, measured horizontally, to a power line or utility wire, and may not be within a public utility or transportation easement.
- D. Excavations must maintain required yard setbacks of the Agricultural district regulations, but no less than twenty-five (25) feet from any side.

Subsection 1519.3 Construction and Operation Requirements.

- A. An excavation should not change surface drainage or underground aquifers to adversely impact neighboring uses.
- B. Any excavated material not removed from the site shall be graded to a continuous slope that does not exceed one (1) foot vertical to three (3) feet horizontal and arranged to prevent runoff from impacting adjacent properties. As an alternative, the material may be shaped in berms which assume a natural angle of repose for the material and which blend visually with the landscape. The toe of the slope of such berms shall be no closer twelve (12) feet to the edge of the water in any pond formed by such an excavation.
- C. No machinery or equipment shall operate, and no trucks, trailers, or other conveyances shall arrive at any excavation site before 6:00 a.m. or after 9:00 p.m., or as otherwise specified by the Planning Commission.
- D. Proper measures shall be taken to minimize the nuisance of traffic noise and flying dust or soil while a site is being excavated.
- E. Excavation site shall be at least two hundred (200) feet from any parcel zoned either for residential or commercial purposes.
- F. Where the excavation site is determined by the Planning Commission to be a public hazard, all uses shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the property or portion thereof. Fences shall be constructed and maintained to prevent

trespass and shall be placed no closer than twenty-five (25) to the top or bottom of any slope.

Subsection 1519.4 Pond Construction.

- A. Scope: This sub-section regulates the creation of artificial ponds created by soil excavation or intervention in watercourses, surface drainage or groundwater aquifers.
- B. Pond Construction, regardless of size and whether the creation of the pond is an end in itself or merely a by-product of soil extraction activity. Ponds created by embankments or dams across streams or watercourses are not permitted in Colfax Township.
- C. Site Plan for any activity regulated by this subsection must include all information required by Sections 301 and 303 of the Natural Resources and Environmental Protection Act of 1994, as administered by the Michigan Department of Environmental Quality (MDEQ) under PA 451 and PA 347 of 1972. In general, the MDEQ requires a permit prior to construction of a pond if the pond will be:
 - 1. Within 500 feet of a lake or stream, or connected to a lake or stream;
 - 2. within a regulated wetland;
 - 3. within the 100-year floodplain of a river or stream;
 - 4. five (5) surface acres or more in size;
 - 5. created by construction of a dam across a river or stream. Dams with a height of six feet or more and which impound five acres or more, will require a plan prepared by a licensed engineer.
- D. The following information is required for the site plan, whether an MDEQ permit is required or not:
 - 1. The specifications for any spillway or drain for a proposed pond, including the proposed methods of foundation preparation or fill placement.
 - 2. Location of well and/or septic system in relation to the proposed pond.
- E. Conditions of any required environmental permits shall be obeyed at all times. All required State and County permits must be obtained after approval of site plan. Compliance with PA 347 of 1972, the Michigan Soil Erosion and Sedimentation Control Act, is also required.
- F. Expansions to any existing pond require a special use permit and must conform to the standards set forth in Article XVI.

Subsection 1519.5 Pond Site Requirements.

- A. Avoid sites of ecological significance, such as wetlands or mature forest. If wetlands are to be affected, a State permit may be needed.

- B. Activities that create ponds should be located to minimize the chance of pollution from sources such as feedlots, corrals, or septic tanks.
- C. Ponds may be no closer than fifty (50) feet, measured horizontally, to a power line or utility wire, and may not be within a public utility or transportation easement.
- D. Ponds may be no closer than twenty-five (25) feet from the minimum yard setback of the principal structure or use.

Subsection 1519.6 Construction and Operation Requirements.

- A. A pond should not change surface drainage or underground aquifers so as to adversely impact neighboring uses.
- B. Any pond banks shall have a maximum slope of one (1) foot vertical to four (4) feet horizontal which extends below the projected low water surface elevation to a depth of at least eight (8) feet.
- C. Minimum designed water depth of a pond must be fifteen (15) feet to insure proper aeration and circulation of the water.
- D. All required environmental permits shall be obtained and obeyed, including:
 1. Sections 301 and 303 of the Natural Resources and Environmental Protection Act of 1994, as administered by the Michigan Department of Environmental Quality under PA 451.
 2. The soil and sedimentation control permit under PA 347.
 3. Any excavated material not removed from the pond site shall be graded to a continuous slope that does not exceed one (1) foot vertical to three (3) feet horizontal and arranged to prevent runoff from impacting adjacent properties.
 4. By October 15 of each year, the completed portion of a pond, its related excavation activities, and any disturbed area around it, shall be graded and, where appropriate, seeded.
 5. No machinery or equipment shall operate, and no trucks, trailers, or other conveyances shall arrive at any pond or excavation site before 6:00 a.m. or after 8:00 p.m.
 6. Proper measures shall be taken to minimize the nuisance of traffic noise and flying dust or soil while a pond is being excavated.
 7. When two (2) or more dwellings are located within two hundred (200) feet of the edge of any water body on any parcel, said water body shall be enclosed by a fence at least four (4) feet high with a lockable gate.
 8. Where the water body is determined by the Planning Commission to be a public hazard, all uses shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the property or portion thereof. Fences shall be adequate to prevent trespass and shall be placed no closer than twenty-five (25) feet to the top or bottom of any slope.

9. Ponds constructed for recreational purposes must be located behind the principle structure and outside of the rear and side yards.

Section 1520 Stables, Commercial

The applicant for a special use permit for a commercial stable shall submit with the application evidence satisfactory to the Planning Commission that the proposed operation will be operated and maintained at all times in accordance with the recommendations set forth in the applicable Generally Accepted Agricultural and Management Practices (GAAMPS) as adopted by the Michigan Agricultural Commission, as may be amended from time to time and in accordance with such additional rules, regulations, and guidelines as may from time to time be established by the Michigan Agricultural Commission or other appropriate state agency pursuant to Michigan Zoning Enabling Act PA 261 of 1999, amending the Right to Farm Act, PA 93 of 1981, as amended.

Section 1521 Vehicle Wash Establishments

- A. Minimum lot size shall be two (2) acres.
- B. All washing activities must be carried on within a building.
- C. Vacuuming activities may be carried out only in the rear yard and at least fifty (50) feet distant from any adjoining residential use.
- D. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.

Article XVI Special Use Permits

Section 1600 Purpose

Special uses are those uses of land that are essentially compatible with the use permitted to a zoning district but possess characteristics or are located in places that require individual review and restriction in order to ensure compatibility with the character of the surrounding area, public services and facilities and adjacent uses of land. The intent of this Article is to establish equitable procedures and criteria, which shall be applied in the determination of requests to establish special uses. The criteria for decisions provided for under the provisions of this Article shall be in addition to this Ordinance, as well as all other regulations in this Ordinance that are applicable to the special use under consideration.

Section 1601 Special Use Permit Procedure

The following steps shall be taken by the applicant, zoning officials and review body when considering a proposed special use:

1. All applications for special use permits shall be filed with the Zoning Administrator and shall include the required site plan, fee and any other pertinent information upon which the applicant intends to rely for a Special Use Permit.
2. The Zoning Administrator shall, after preliminary review, forward the complete application to the Planning Commission to review special land uses.
3. In addition to any established application fee, the Zoning Administrator shall establish, in cases where it is anticipated that the Township will incur the costs of attorneys, planners, engineers or other experts in the review of the application, an amount to be deposited by the applicant with the Township Clerk to defray the anticipated costs incurred by the Township to review and process the application(s). The Planning Commission shall not commence consideration of the merits of the application(s) until the escrow deposit is received by the Township Clerk. Any unused portions of the escrow deposit remaining after consideration and processing of the application shall be returned to the applicant(s)
4. The Planning Commission shall review the site plan according to the standards set forth in **Articles XIV** and **XV** and review the proposed special use according to standards set forth in this Article.
5. Upon receipt of an application that requires a discretionary decision, the Planning Commission shall give public notice of the request.
 - a. Such notice must be published in a newspaper of general circulation in the Township not less than 15 days before the date of the hearing.
 - b. Such notice must also be personally delivered or mailed to property owners and occupants of a structure within 300 feet of the property in question.
 - c. This notice shall:
 1. Describe the nature of the special land use permit.
 2. Indicate the property in question, including a listing of all existing street addresses therein, if any.
 3. State the time and place where the special land use request will be considered.
 4. Indicate that a public hearing on the request may be requested by any property owner or occupant of a structure within 300 feet of the property in question
 5. Indicate when and where written comments will be received concerning the request.
 6. At the Planning Commission's initiative, or upon request by the applicant or a real property owner or occupant of a structure within 300 feet of the property in question, the Planning Commission shall hold a public hearing before issuing its decision on the application.
 7. After the hearing, the Planning Commission shall:

- a. Approve the special use permit application and final site plan. The Zoning Administrator shall then be directed to issue the special use permit; or
- b. Grant special use permit application and final plan subject to conditions, which are imposed in order to insure the special land use, complies with standards stated in this Ordinance. The Zoning Administrator shall be directed to issue the special use permit; or
- c. Disapprove the application and final site plan.

All decisions shall be accompanied with a concluding statement citing the reasons for decision under Section 1602 or other applicable requirements and any condition imposed under Section 1603.

Section 1602 Standards and Burden for Special Use Permits

In deciding a request for a special use permit, the Planning Commission shall be governed by the following principles and standards:

1. The applicant shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact.
2. In considering an application for a special use, the following factors shall be considered:
 - a. Whether all required information has been provided and fees paid.
 - b. Whether the proposed use is specifically provided as a special use in the district in which the property is zoned.
 - c. Whether the proposed use at the location is consistent with the objectives and goals of the Master Plan.
 - d. Whether the proposed use will adversely affect neighboring lands.
 - e. Whether the proposed use is compatible with and will not adversely affect the natural environment.
 - f. The capacity of local utilities and public services sufficient to accommodate all the uses permitted in the requested district without compromising the health, safety and welfare of the Township including the capacity of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

Section 1603 Conditions

The Planning Commission may impose reasonable conditions including duration and review periods in granting a special use. Conditions imposed shall meet all of the following requirements:

1. 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 or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2. Ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity;
3. Promote the use of land in a socially and economically desirable manner;
4. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity;
5. Be necessary to ensure compliance with the standards set forth in this Section.
6. The conditions shall remain unchanged except upon the mutual consent of the Planning Commission and the titleholder of the subject property.

Section 1604 Final Decision

The decision of the Planning Commission to approve or deny a Special Use Permit is final.

Article XVII Automobile Parking and Storage

Section 1701 Purpose of this Article

The purpose of this regulation is to limit and restrict the outdoor storage or unreasonable accumulation of junk cars, unused cars and dilapidated non-operating motor vehicles upon premises, to thereby avoid injury and hazards to children attracted to such vehicles and the psychological ill effect of the presence of such vehicles upon adjoining residents and property owners.

Section 1702 Exceptions to this Article

The foregoing restrictions shall not apply to a duly licensed and permitted junkyard or new or used car dealer.

Section 1703 Vehicles

Subsection 1703.1 Not in Operating Condition.

No person, firm or corporation shall park or store on premises within the Township, any motor vehicle which is not in operating condition and which cannot be propelled under its own power for more than fourteen (14) days in any one (1) year; unless the same is located within an enclosed building, or unless a special permit therefore is first obtained from the Board of Appeals or such other officer as the Township Board may designate. Said permit to be granted only in special hardship cases beyond the control of the applicant; where peculiar circumstances exist, where no adjoining property owner is adversely affected thereby; and where the spirit and purposes of these regulations are still observed. For purposes of this provision, a vehicle which requires a license to

be operated on the highways of this state and which is not currently licensed for such use shall be deemed to not be in operating condition.

Subsection 1703.2 Operable, But Not Regularly Used.

No person, firm or corporation shall park or store upon premises within the Township, more than one (1) motor vehicle in operative condition which is not regularly used for the purpose for which it was manufactured or designed for more than thirty (30) days in any one (1) year; unless the same is located within an enclosed building or unless a special permit is first obtained from the Board of Appeals or such other officer as the Township Board may designate. Said permit to be granted only in special hardship cases beyond the control of the applicant, where special peculiar circumstances exist; where no adjoining property owner is adversely affected thereby; and where the spirit and purpose of these regulations are still observed.

Subsection 1703.3 Dismantled.

Any motor vehicle being dismantled for the sale of parts therefrom or any motor vehicle which has main component parts missing or unattached, shall be deemed inoperable for the purposes of this Ordinance. In addition, where a vehicle is in such a condition that it cannot be lawfully driven upon the public streets, under the standards of Michigan Public Act 300 of 1949, as amended (the Michigan Vehicle Code), the vehicle shall be deemed inoperable.

Section 1704 Recreational Vehicles, Boats and Trailers

No recreational vehicle and/or boat (with or without trailer) or trailer shall be stored within the front yard area in R-1 Single Family Residential Districts.

Section 1705 Heavy Trucks

No motor vehicle having a gross vehicle weight in excess of four (4) tons shall be parked or left standing in R-1 Single Family Residential Districts.

Section 1706 Violation

The continuous, frequent or repetitious storage of such types of inoperable motor vehicles (unless permitted under the terms of this Article) shall constitute a violation of said Article if the total period of such storage of different vehicles exceeds fourteen (14) days in any one (1) calendar year and notwithstanding that no one (1) such vehicle remains upon the premises for more than said fourteen (14) day period.

Section 1707 Violations Shall Be Separate and Continuing

Each day that a violation continues to exist beyond the date designated by the Township Zoning Administrator's Notice of Violation shall constitute a separate offense.

Section 1708 Effective Date for Compliance

Areas being used for the storage of wrecked, discarded, or dismantled vehicles on the effective date of this Ordinance shall be brought into compliance with the provisions of this section within six (6) months of such effective date.

Article XVIII Planned Unit Developments (PUD)

Section 1800 Purpose

The purpose of this Article is to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; encourage useful open spaces; achieve economy and efficiency in the use of land, natural resources, energy, and the provisions of public services and utilities; and to provide housing, employment, and shopping opportunities which conform to the intent of any Colfax Township Development Plans, regulations, or guidelines while departing from strict application of use, setbacks, height and minimum lot size requirements of the zoning districts in order to:

1. Permit valuable and beneficial land development;
2. Enhance the appearance of the neighborhood through the preservation of natural features, the provision of utilities and the provision of recreational areas and planned open space; and
3. Provide for efficient use of land that will be compatible with surrounding land uses.

Section 1801 Uses Permitted

PUD development may be permitted by the Planning Commission in any zoning district in accordance with this Article.

Section 1802 Application and Processing

Subsection 1802.1 Initiation.

The owner of the property upon which the PUD is sought, or his/her duly authorized agent, may submit an application for a PUD permit.

Subsection 1802.2 Pre-Application Conference.

The applicant/property owner must attend a pre-application conference to be coordinated by the Zoning Administrator. This meeting may include the Township Supervisor, Chairperson of the Planning Commission, Land Use Administrator, consultants hired by the Township or other officials to discuss the project. The Township may require the applicant to make an escrow deposit to cover the Township's actual costs incurred for such a meeting.

Subsection 1802.3 Application.

An application for a PUD permit and ten (10) copies shall be filed with the Township Clerk by the owner of the property (or his/her duly authorized agent) upon which the PUD is intended. The Township Clerk shall stamp date all materials received, retain the original documents, and distribute the copies appropriately.

Subsection 1802.4 Application Information.

The application shall provide the following information:

- A. A legal description of the property, including the street address, tax code number, and zoning district.
- B. The name, address, and telephone number of the applicant.
- C. Applicant's interest in the property. If the applicant is not the owner, the name and address of the record and known owner(s), and the owner(s) signed consent to the application.
- D. Identification of the zoning district in which the subject parcel is located and the PUD requested.
- E. Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information.
- F. A description of the business and services provided; hours of operation; number of employees; number of customers; estimate of peak traffic flow; description of equipment and vehicles; description of stored materials; and related information.
- G. Further information as requested by the Zoning Administrator, consultants hired by the Township or Planning Commission that is relevant to the site and standards set forth in this Ordinance.

Subsection 1802.5 Site Plan.

All PUD applications require the submission of a site plan in accordance with the provisions of this Ordinance.

Subsection 1802.6 Right of Entry.

The filing of the application shall constitute permission from the owner for the Township to complete an on-site investigation of the property in question for purposes of this Section.

Subsection 1802.7 Application Fee.

The applicant shall submit to the Township Clerk with the application an application fee in an amount established by resolution of the Township Board to cover the fixed costs associated with processing the application.

Subsection 1802.8 Initial Review.

The Zoning Administrator shall review the application(s) for completeness and indicate to the applicant additional information and documents to be provided. The Planning Commission shall schedule all public hearings and the Township Clerk or designee shall coordinate public notices.

Subsection 1802.9 Escrow Deposit.

The Zoning Administrator shall establish an amount to be deposited by the applicant with the Township Clerk to defray the anticipated costs incurred by the Township to review and process the application(s). The Planning Commission shall not commence consideration of the merits of the application(s) until the escrow deposit is received by the Township Clerk. Any unused portions of the escrow deposit remaining after consideration and processing of the application shall be returned to the applicant(s).

Section 1803 Notice, Hearing, and Decision

Subsection 1803.1 Notice.

Notice shall be provided in accordance with the Michigan Zoning Enabling Act.

Subsection 1803.2 Public Hearing.

The Planning Commission shall hold a public hearing on the application(s). The hearing shall proceed as follows: Open public hearing. Acknowledge receipt of written comments. Receive comments from applicant/owner and other persons attending the hearing. Close public hearing

Subsection 1803.3 Administrative Report.

Following the public hearing the Planning Commission may request that the Zoning Administrator and/or other persons retained by the Township to present a report that analyzes the application(s) with respect to the requirements and standards of applicable federal and state statutes, ordinances, rules and regulations.

Subsection 1803.4 Standards and Burden.

In deciding a request for a PUD, the Planning Commission shall be governed by the following principles and standards:

- A. The applicant shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact.
- B. In considering an application for a PUD, the following factors shall be considered:
 - 1. Whether all required information has been provided and fees paid.
 - 2. Whether the purpose of this Article would be served by the proposed uses.

3. Whether the PUD is consistent with the objectives and goals of the Master Plan.
4. Whether the proposed PUD will adversely affect neighboring lands.
5. Whether the proposed PUD is compatible with and will not adversely affect the natural environment.
6. The capacity of local utilities and public services sufficient to accommodate all the uses permitted in the requested district without compromising the health, safety, and welfare of the Township including the capacity of the street system to safely and efficiently accommodate the expected traffic generated by the PUD.

Subsection 1803.5 Conditions.

The Planning Commission may impose reasonable conditions including duration and review periods in granting a PUD. 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 or activity under consideration, residents, and landowners immediately adjacent to the proposed PUD and the community as a whole.
- B. Ensure that public services and facilities affected by a proposed PUD will be capable of accommodating increased service and facility loads caused by PUD.
- C. Promote the use of land in a socially and economically desirable manner.
- D. Be related to the valid exercise of the police power and purposes that are affected by the proposed PUD.
- E. Be necessary to ensure compliance with the standards set forth in this Article.
- F. The conditions shall remain unchanged except upon the mutual consent of the Planning Commission and the titleholder of the subject property.

Subsection 1803.6 Planning Commission Decision.

The Planning Commission shall approve, approve with conditions, or deny the PUD permit. The decision shall set forth the facts relied upon, provide an analysis of the facts and standards, and state the conclusion and conditions imposed, if applicable. A majority vote of the members of the Planning Commission is required for a decision. The Planning Commission shall issue its decision in an open meeting, either orally or in writing. If submitted orally, the Planning Commission's decision and reasons shall be recorded in its minutes.

Subsection 1803.7 Appeal.

The Board of Appeals shall not have authority to hear an appeal taken by an aggrieved person from a decision of the Planning Commission on an application for a PUD. Appeal shall be to the Circuit Court.

Subsection 1803.8 Runs with The Land.

Unless otherwise specified in the conditions, a PUD runs with the land.

Subsection 1803.9 Recording.

If a PUD is granted, with or without conditions, the Township, at the expense of the applicant, may cause notice of the PUD to be recorded with the Huron County Register of Deeds.

Subsection 1803.10 Reapplication.

An application for a PUD that has been denied wholly or in part by the Township Board shall not be resubmitted for a period of 365 days from the date of such denial, except on grounds of new evidence or proof of changed conditions that reasonably could not have been submitted at the time of the initial application.

Subsection 1803.11 Revocation of PUD

The Planning Commission, upon notice and hearing to the property owner and occupants of the property and upon a showing of good cause, may revoke a PUD in the case of a false statement or misrepresentation of fact on which the permit was approved, or in case of failure to correct violations of this Ordinance, or in case of lack of compliance with the approved site plan and/or any conditions of the permit.

Article XIX Board of Appeals

Section 1900 Authority

There is hereby established a Board of Appeals, the membership, powers and duties of which are described in Michigan Public Act 110 of 2006, as amended. The Board of Appeals shall be appointed by the Township Board and perform its duties and exercise its powers as provided in the above Act in such a way that the objectives of this Ordinance shall be observed, the public health, safety and welfare assured, and justice served.

Section 1901 Board of Appeals Membership

The Colfax Township Board of Appeals shall consist of not less than three (3) regular members and may not have more than two (2) alternate members from among the following:

1. The first member shall be a member of the Planning Commission.
2. The remaining members of the Board of Appeals shall be selected from the electors of the Township.
3. One (1) member may be a member of the Township Board.
4. An employee or contractor of the Township may not serve as a member or employee of the Board of Appeals.
5. An elected officer of the Township shall not serve as chairperson of the Board of Appeals.

6. The alternate members may serve in the absence, unavailability, or disqualification of any of the regular members.

Section 1902 Expenses

The total amount allowed the Board of Appeals in one (1) year as per diem or as expenses actually incurred in the discharge of its duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the Township Board.

Section 1903 Terms of Office

Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board, respectively, and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. 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.

Members of the Board of Appeals may be removed by the Township Board for non-performance of duty or misconduct in office, upon written charges and after a public hearing. A member shall disqualify himself/herself from any vote in which he/she has a conflict of interest. Failure to do so shall constitute misconduct in office.

Section 1904 Required Hearings

The Board of Appeals shall hear and decide all matters properly referred to the Board or upon which the Board is required to act, under any ordinance adopted pursuant to Michigan Public Act 110 of 2006 as amended.

Section 1905 Majority Vote

The concurring vote of a majority of the regular members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the appellant on any matter upon which they are required to pass under any such ordinance or to effect any variation in such ordinance.

Section 1906 Board of Appeals Meeting

The Board of Appeals shall not conduct business unless a majority of members are present. Meetings of the Board of Appeals shall be held at the call of the Chairman and at other such times, and places as the Board of Appeals may determine. All meetings shall be open to the public. The Board of Appeals shall keep minutes of all its proceedings and shall keep records of its findings, proceedings at hearings and other official actions, all of which shall be immediately filed in the

office of the Township Clerk and shall be a public record. The Board of Appeals shall adopt its own rule of procedure for meetings.

Section 1907 Appeal

The Board of Appeals shall, when called upon, act upon all questions as they arise in the administration of this Zoning Ordinance including interpretation of the Township Zoning Map. Such an appeal may be taken by any person aggrieved, or by an officer, department, board or bureau of the County or State. It shall hear and decide appeals from and review any order, requirements, decisions or determination made by the administrative official and/or Planning Commission charged with enforcement of any ordinance adopted pursuant to the provisions of Michigan Public Act 110 of the Public Acts of 2006, as amended.

Subsection 1907.1 Grounds for Appeal.

The grounds for any such determination shall be stated in the records of the Board's proceedings.

Subsection 1907.2 Timing of Appeals.

An appeal shall be taken within such time as shall be prescribed by the Board of Appeals. The appeal, in writing and specifying the grounds for appeal, shall be filed with the Township. The Township shall forthwith transmit the appeal to the Board of Appeals, along with all papers constituting the records upon which the action of appeals was taken.

Subsection 1907.3 Stays.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals after the notice of appeal shall have been filed with the Township Clerk, that by reason of facts stated in the certificate, a stay would cause imminent peril of life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Circuit Court or application on notice to the Zoning Administrator and on due cause shown.

Subsection 1907.4 Time, Notices, and Appearance.

The Board of Appeals shall fix a reasonable time for the hearing of an appeal and shall give due notice thereof to all parties concerned. Any party may appear at the hearing in person or may be represented by his/her agent or attorney. The Board shall render a decision within a reasonable period of time.

Subsection 1907.5 Decision.

In deciding upon matters referred to, or upon which, it is required to act under this Ordinance, the Board of Appeals shall, after public notice and hearing as provided by the Michigan Zoning Enabling Act, take into consideration the public health, safety and general welfare and apply

appropriate conditions and safeguards in conformity with the general purpose and intent of this Ordinance.

Section 1908 Powers of the Board of Appeals

The Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination as in its opinion ought to be made in a particular case and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit.

The Board of Appeals, in hearing and deciding appeals, shall have the authority to:

1. Permit the erection and use of a building or an addition to an existing building, or a public service corporation or from public utility purposes, in any zoning district to a greater height or of a larger area than the district requirements herein established.
2. Permit the modification of the off-street motor vehicle parking space as loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements, after recommendation from the Planning Commission.
3. Permit such modification of the height, lot area, yard setback, floor area and lot width regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape and size, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification, provided that modification of lot area regulation shall be permitted only in instances where the nature of the soils and drainage is such that there is sufficient area for safe water supply and sanitary disposal of waste.
4. Permit the modification of site plan review standards, as may be established in this Ordinance, where physical hardship and unusual circumstances peculiar to the property in question exist.

Section 1909 Variances

Where there are practical difficulties or unnecessary hardships deterring the carrying out of strict interpretation of this Ordinance, the Board of Appeals shall have the powers, in passing of appeals, to vary or modify any of the rules, regulations or provisions of the Ordinance, by granting variances, provided that any variation granted from this Ordinance:

1. Will not be contrary to the public interest.
2. Will not permit the establishment within a district of any use, which is not permitted by right within that district.
3. Will not cause a substantially adverse effect upon property values.

4. Will relate only to the property under the control of the appellant.
5. Will not jeopardize the preservation of a substantial right, so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.
6. Will not impair the adequate supply of air and light to any adjacent property.
7. Will not increase the hazards from fire, flood or other natural or man-made dangers.
8. Will not increase traffic congestion.
9. Will not produce nuisance conditions to occupants of nearby premises, whether by reason of dust, noise, fumes, odors, vibration, smoke or excessive light.
10. Will not otherwise impair the public health, safety, and general welfare of the residents of Colfax Township.

Section 1910 Approval Periods

No order of the Board of Appeals permitting the use of a building or premises or erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection, alteration, or use is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

Section 1911 Rehearing; Appeal

A decision of the Board of Appeals shall be final. Any person aggrieved by a decision of the Board of Appeals may make a written request for rehearing within five (5) days of the initial decision. Any person aggrieved by a final decision of the Board of Appeals shall have the right to petition to the County Circuit Court in accordance with Michigan Public Act 110 of the Public Acts of the 2006, as amended.

Section 1912 Fees

The Township Board may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Board of Appeals. At the time the notice for appeal is filed, said fee shall be paid to the Township Clerk to be credited to General Revenue Fund.

Article XX Administration and Enforcement

Section 2000 Enforcement

The provisions of this Ordinance shall be administered by the Township Zoning Administrator, who shall be appointed by the Township Board, subject to such conditions and at such rate of

compensation as said Board shall determine. The Zoning Administrator may be assisted by any other Township employees and officials as he/she may delegate to enforce the provisions of this Ordinance. The duty of enforcement thereof shall rest with such administrative officials as shall be authorized therein by law, and such administrative officials shall for the purpose of the Ordinance have the power of public officers.

If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation, and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

Section 2001 Zoning Permits

No building, signs, or other structure shall be erected, moved, added to or structurally altered, razed, nor shall work be started, or use made of property without a permit therefore, issued by the Zoning Administrator. No permit shall be issued except in strict conformity with the provisions of this Ordinance, unless the Zoning Administrator receives a written order from the Planning Commission or Board of Appeals.

The Zoning Administrator shall have the power to issue permits and to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or any permits for any excavation or construction until he/she has inspected such plans in detail and found them in conformity with this Ordinance.

Unless a site plan prepared according to **Article XIV** is attached, the Zoning Administrator shall require that every application for a permit for excavation, construction, moving or alteration or change in type of occupancy be filed in triplicate and accompanied by written statement and, as applicable, dimensioned plans or plats drawn to scale and showing the following, to enable the Zoning Administrator to ascertain whether the proposed work or use is in conformance with this Ordinance.

1. The actual shape, location, and dimensions of the lot.
2. The shape, size, and location of all buildings or other structures to be erected, altered, razed, or moved and of any buildings or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. The lines of the lots or parcels under separate ownership therein.
5. The names and widths of abutting pavements and rights-of-way.

6. The signature of the fee holder owner of the premises concerned.
7. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provision of this Ordinance are being observed.

One (1) copy of the application shall be returned to the applicant by the Zoning Administrator, after he/she shall have marked such copy either as approved or disapproved and attested to same by his/her signature on such copy. The original and one (1) copy of the application, similarly marked, shall be retained by the Zoning Administrator, maintained on file and available to the public for inspection upon request during normal business hours. In all cases when the Zoning Administrator shall refuse to issue a permit, he/she shall state such refusal in writing with the cause and reasons for said refusal.

Section 2002 Expiration of Land Use or Building Permit

If the work described in any permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Zoning Administrator.

If the work described in any permit has not been substantially completed within one (1) year of the date of issuance thereof, said permit shall expire and be cancelled by the Zoning Administrator and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building and land use permit has been obtained.

Section 2003 Conformance with Approved Plans

Permits issued on the basis of plans and applications approved by the Zoning Administrator, authorize only the use, arrangements and construction set forth in such approval plans and applications and no other use, arrangement, or construction. Use arrangement or construction at variance with that authorized shall be deemed violation of this Ordinance, and punishable as provided by **Section 2102**.

Article XXI Interpretation, Severability, Violations, Amendments, Rights and Remedies, General Responsibility, and Enactment and Effective Date

Section 2100 Interpretation

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. Where this ordinance imposes a greater restriction than is required by existing ordinances or by rules, regulations or permits, the provisions of this Ordinance shall control. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

Section 2101 Severability

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

Section 2102 Violation – Civil Infractions

1. Any person, firm, or corporation, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any of the provision of this Ordinance or conditions of the Board of Appeals, Planning Commission or Township Board adopted pursuant to this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine, costs and attorney fees.
2. The amount of the civil fine under this Section shall be up to \$500 per violation, or as otherwise set according to a schedule adopted by the Township Board by resolution. Repeat offenses under this Ordinance shall be subject to increased fines. As used in this Section, “repeat offense,” means a second (or any subsequent) violation of the same requirement or provision of this Ordinance within any three (3) year period for which the person admits responsibility or is determined to be responsible.
3. Each day that a violation continues to exist shall constitute a separate offense.
4. Upon issuance of a Stop Work Order by the Zoning Administrator, notifying that work on any structure or premises is being undertaken contrary to this Ordinance, such work shall immediately cease. The Stop Work Order shall be posted on the property with a copy mailed or delivered to the owner of the property in question, the person occupying the property, or the person doing the work, and shall state the conditions under which the work may be resumed. Any person who shall continue any work in or about the structure or premises after having been served with a Stop Work Order, except such work as such person is directed by the Zoning Administrator to perform in order to remove violations or unsafe conditions, shall be found responsible for a violation of this Ordinance
5. The Zoning Administrator appointed by the Township Board is hereby authorized to direct, supervise, and enforce the provisions of this Ordinance and any requirements, standards or conditions imposed under a special use permit. The Zoning Administrator’s duties shall include, among others, investigation of ordinance violations; issuing and serving Stop Work Orders; issuing and serving ordinance violation notices; issuing and serving appearance tickets as authorized by law; issuing and serving municipal ordinance violation notices and municipal civil infraction citations as authorized by law; appearance in court or other ordinance enforcing duties as may be delegated by the township board, township supervisor or assigned by the township attorney.

6. The imposition of any fines hereunder shall not exempt the offender from compliance with the requirements of this Ordinance. Use of land and dwellings, buildings or structures, including tents, trailer coaches and mobile homes, travel trailers, any of which are used, erected, altered, razed or converted in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se. The Court may order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, mobile home, travel trailer or land may be adjudged guilty by order of any Court of competent jurisdiction.

Section 2103 Amendment of this Ordinance

The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented or changed, pursuant to the authority and according to the procedures set forth in Michigan Public Act No. 110 of the Public Acts of 2006 as amended. Proposals for amendments may be initiated by the Township Board, the Planning Commission or by petition of one (1) or more property owners in Colfax Township affected by such proposed amendment.

Section 2104 Amendment Procedure

1. The procedure for amending this Ordinance shall be in accordance with Michigan Public Act 110 of the Public Acts of 2006, as amended. A petition, together with a completed signed application, and fees, shall be filed with the Zoning Administrator, who shall review the petition and application as to form. When the form is complete, the Zoning Administrator shall transmit it to the Planning Commission for review and report. Thereafter, the Township shall set a date for a public hearing before the Planning Commission on the petition and provide notice of the proposed amendment as provided by Public Act 110 of 2006. Such public hearing procedure shall also apply to amendments initiated by the Township Board or the Township Planning Commission.
2. Following the public hearing, the Planning Commission shall transmit a summary of comments received at the hearing and its recommendation to the Township Board. The Township Board shall hold a public hearing on the proposed amendment if it considers it necessary or any property owner who has requested a hearing by certified mail addressed to the Township Clerk prior to the regular meeting at which the proposed amendment is to be considered. Notice of such public hearing shall be provided according to Public Act 110 of 2006.
3. After the public hearing, if one was held, the Township Board shall consider and vote upon the amendment. An amendment approved by a majority vote of the Township Board shall take effect upon:
 - A. the expiration of seven (7) days after filing with the Township Clerk and publication in a newspaper of general circulation in the Township in the Township; or
 - B. the effective date specified by the Township in the publication

Publication in a newspaper of general circulation must occur within 15 days of adoption of the amendment.

4. Notice of the approval of the amendment shall include:
 - A. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment; and
 - B. the effective date of the amendment; and
 - C. the place where and time when a copy of the amendment may be purchased or inspected.
5. No petition for rezoning, which has been disapproved by the Township Board, shall be submitted for a period of one (1) year from the date of disapproval except as permitted by the Township Board after becoming aware of new evidence which may result in approval upon resubmittal.
6. Any amendment to the State Statutes regarding zoning shall be understood to also amend the Colfax Township Zoning Ordinance.

Section 2105 Rights and Remedies

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 2106 General Responsibility

The Township Board or its duly authorized representative is hereby charged with the duty of enforcing this Ordinance, and said Board is hereby empowered to begin and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court, District Court, or any other court having jurisdiction to restrain and/or prevent any non-compliance with, or violation of, the provisions of this Ordinance and to correct, remedy and/or abate such non-compliance or violation. And, it is further provided, that any person aggrieved or adversely affected by such a non-compliance or violation, may institute suit and/or join the Township Board in such a suit to abate the same.

Section 2107 Fees

All fees for administration or implementation of any of the sections of this Ordinance shall be set from time to time as needed by resolution of the Colfax Township Board.

Section 2108 Enactment and Effective Date

The foregoing Zoning Ordinance and Zoning Map were initially adopted at a Meeting of the Colfax Township Board on June 10, 2014, and thereafter amended by the Colfax Township Board from time to time, with the last such amendments being adopted by the Township Board on June 19,

2019. The initial Zoning Ordinance and successive amendments became effective seven (7) days following the publication of notices of adoption pertaining thereto.

Adoption and Publication Certified by:

Julie Adams, Colfax Township Clerk