

PLAINFIELD TOWNSHIP ZONING ORDINANCE

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FOR

ARTICLES AND SECTIONS

(rev. 03/18)

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ARTICLE ONE

Title, Purpose **Enabling Authority and Conditions** **Of Enactment**

The township of PLAINFIELD, Iosco County, Michigan Ordains:

Section 1.01 – Title:

This Ordinance shall be known as the Plainfield Township Zoning Ordinance.

Section 1.02 – Purpose of this Ordinance and Resolution of intent.

An Ordinance for the protection of the public health, safety and other aspects of the general welfare of the Township through the establishment in the unincorporated portions of the Township, Iosco County, Michigan of zoning districts for the planned orderly growth and development of the Township within which the proper uses of land and natural resources may be encouraged or regulated, and within which zoning district's provisions may also be adopted designating the location of, the size of, the land and structural uses that may be permitted with or without special use conditions; the minimum open spaces, sanitary, safety and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings and structures that may be erected or altered; to provide, based upon the planned orderly growth and development of the Township, in an orderly manner and through the wise and efficient use of public services required to be provided to the residents of the Township; to provide for the conservation of the use of energy; the conservation of agricultural, forest and open space lands, wetlands and land areas containing natural or cultural resources of features necessary to the social and economic well-being of present and future generations; to provide for a method of adoption of amendments to this Ordinance; provide for conflicts with other state laws and state administrative rules and regulations and local ordinances and regulations with this Ordinance; to provide for penalties for violations of this Ordinance; to provide for the assessment, levy and collection of taxes on property zoned, developed and used in accordance with the provisions of Public Act 110 of 2006, as amended, being and this Ordinance; to provide for the collection of fees for zoning permits required under this Ordinance; to provide for petitions, public hearings and referenda in accordance with the provisions of Public Act 110 of 2006, as amended, and this Ordinance; and to provide for appeals of the provisions of this Ordinance.

Section 1.03 – State legislation Enabling Authority

This Ordinance is adopted pursuant to Public Act 110 of 2006 commonly know as The 2006 Michigan Zoning Enabling Act (ZEA) and , when so far as it is applicable, Public Act 168 of 1959 (MCL 125.321-125.333), as amended, of the state of Michigan. Said Public Acts covering Township Planning (Act 168) are hereby made a part of this Ordinance as if contained verbatim in their complete textual forms, as amended.

Section 1.04 – Enactment Declaration:

This Zoning Ordinance and its contained provisions are hereby declared to be necessary to the providing of a planned orderly growth and development of the Township, in the interest of providing for the public health, safety, peace, enjoyment, convenience, comfort and other aspects of the general welfare of the residents of this Township in order to provide adequately for the necessities in the pursuit of their daily living pattern. This Zoning Ordinance is hereby ordered to be given immediate effect upon its passage by the Township Board of Trustees and subsequent publications as required by law.

Section 1.05 – Adoption of this Zoning Ordinance and Repeal of Present Zoning Ordinance:

The Zoning Ordinance of the Plainfield Township presently in effect in the Township and all amendments thereto, hereby are repealed. This Ordinance supersedes, reorganizes and amends the present Zoning Ordinance on the effective date of this Ordinance; provided, however, if this Zoning Ordinance as a whole shall subsequently be judicially determined to have been unlawfully adopted, such judicial determination shall then automatically reinstate the present Township Zoning Ordinance and all of its amendments to their full effect.

ARTICLE TWO

Definitions

Section 2.01 – Rules Applying to Text:

All words used in the present tense shall include the future, all words in the singular number include the plural number, and all words in the plural number include the singular number; the word “building” includes the word “structure”; “dwelling” includes “residence”; and “association” as well as an “individual”; the word “shall” is mandatory and directory. Terms not herein defined shall have the meaning determined by the Zoning Board of Appeals.

Section 2.02 – Definitions

For the purpose of this Ordinance, the following terms and words are defined as follows:

Accessory Building – See “Building, Accessory”

Accessory Use – See “Use, Accessory”

Adjacent Property – Property which adjoins any side or Corner of a specific parcel of land.

Adult Entertainment Facilities:

- A. **Adult Bookstore** – An establishment having more than fifty (50%) percent of its stock in trade, magazine and other periodicals with an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” (as defined herein) or an establishment with a segment or section devoted to the sale or display of such material.
- B. **Adult Motion Picture Theatre** – An enclosed building, with a capacity of fifty (50) or more persons, used for presenting material with an emphasis on matters depicting, describing, or relating to “specified anatomical areas” (as defined herein), for observation by patrons therein.
- C. **Adult Mini Motion Theatre.** – An enclosed building with a capacity for less than fifty (50) persons, used for presenting material with an emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical area” (as described herein) for the observation by patrons therein.

Specified Anatomical Areas:

A. Less than completely and opaquely covered:

- 1. Human genitals, pubic region and buttock.
- 2. Female breast below a point immediately above the top of the areola.

B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities

A. Human genitals in a state of sexual stimulation or arousal.

B. Act of human masturbation, sexual intercourse or sodomy.

C. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

Agriculture – Farms and general farming, including Horticulture, floriculture, dairying, livestock and Poultry raising, farm forestry and other similar Enterprises or uses, including animals that have been Raised on the premises for the use and consumption of Persons residing on the premises.

Alterations – The term “Alterations” shall mean any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed”.

Animal Hospital- A self-enclosed building wherein Animals including domestic household pets and farm Animals are given medical or surgical treatment and use As a boarding place for such animals limited to short time boarding incidental to hospital use. Such hospitals include only those under direction of a licensed veterinarian registered in the state of Michigan. Such animal hospitals shall be constructed in such a manner that noise and odor are not discernable beyond the property upon which it is located.

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

Apartments – The term “Apartments” shall mean the Dwelling units in a multiple dwelling as defined herein:

Efficiency Unit: a dwelling unit consisting of not More than one (1) room, in addition to Kitchen, Dining and necessary sanitary facilities, and for the purpose of computing the density, shall be considered as a one (1) room unit.

One Bedroom Unit: a dwelling unit consisting of not more than two (2) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a two (2) room unit.

Two Bedroom Unit: a dwelling unit consisting of not more than three (3) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the of computing density, shall be considered as a three (3) room unit.

Three or More Bedroom Unit: a dwelling unit wherein for each addition to the three (3) rooms permitted in a two(2) bedroom unit, and for the purpose of computing density, said three(3) bedroom unit shall be considered a four (4) room unit, and each increase in a bedroom over three(3) shall be an increase in the room count by one (1) over the four (4).

Appeal – See “Zoning Appeal”

Automobile Car Wash – A building or portion thereof, where self-propelled motor vehicles are washed as a commercial enterprise.

Automobile Repair – A place where, with or without the sale of engine fuels, the following services may be carried-out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; or painting and undercoating of motor vehicles.

Automobile Service – A place where gasoline or any other automobile engine fuel (stored only in underground tanks) kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on premises; including sale of minor accessories and service for automobiles.

Automobile or Trailer Sales Area – Any enclosed building or area or open space used for display, sale, or rental of motor vehicles or trailers in new or used and operable condition.

Automobile Storage, Damaged – Any storage of inoperable vehicles intended to be repaired back to operable condition but not including such vehicles which are incident or accessory to an automotive repair garage or a licensed salvage yard used as a depository for such vehicles.

Basement – That portion of a building partly below grade, but so located that the vertical distance from the grade level to the basement floor is greater than the vertical distance from the grade level to the basement ceiling. A basement shall not be included as a story for height measurements, nor counted as floor area, unless the room has a walk-out capability. A walk-out basement shall be defined as a room with at least one wall below grade which provides barrier free access to the exterior of the structure and with at least fifty percent of one wall with no grade and two exits which are fire escape routes.

Bedroom – A bedroom is a dwelling room used for or intended to be used for sleeping purposes by human beings.

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

Board of Appeals – See “Zoning Board of Appeals”

Breezeway – Any covered passageway with open sides between to buildings.

Building – An independent structure, either temporary or permanent, having a roof supported by columns or walls which includes sheds, garages, stables, greenhouses, or other accessory structures. A detached building is one separated on all sides from adjacent buildings by open space from the ground up. When any portion thereof is completely separated from every other part thereof, by division walls from ground up, and without openings, each portion of such structure shall be deemed a separate building.

Building, Accessory – A supplemental building or structure on the same lot or parcel of land as the main building or buildings, or part of the main building occupied by or devoted exclusively to any accessory uses, but such use shall not include any building used for dwelling, residential, or lodging purposes, or sleeping quarters for human beings.

Building, Farm – Any building or structure other than a dwelling, maintained, used or built on a farm which is essential and customarily used on farms of that type in the township for the pursuit of their agricultural activities including the storage or housing of farm implements, produce or farm animals.

Building Height – The vertical distance from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs; and to the average height between eaves and ridge sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building Inspector – See “Zoning Administrator”

Building Line – A line formed by the face of the building located nearest the road right-of-way line upon which it fronts, and for the purpose of this Ordinance, a minimum building line is the same as the front setback line.

Building, Main – The building or structure in which the principle use or authority on a lot or parcel takes place.

Building Permit – A building permit is the written authority issued by the Building Inspector in conformity with the Provisions of the construction Code Ordinance.

Building, Principle – A building in which is conducted the principle use of the premises on which it is situated.

Building Setback line – The line formed by the outer surface of a structure or enclosure wall at or with this finished grade or surface of the ground; pertaining to defining those minimum (building) setback lines which are established, in general, parallel to the front road right-of-way and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance.

Building, Temporary – See “Temporary Use or Building”

Campground – The uses and activities which take place on a lot or parcel of land for temporary short term, not to exceed four (4) weeks at any one period of stay or reservation, resort or recreation purpose in accordance with Public Act 368 of 1978, Part 125, Section 12501-1-2516 as administered by the County, District or State Public Health Departments.

Child Foster Care Home – A licensed home which provides supervision, assistance, protection and personal care in addition to room and board to persons under 18 years of age.

Church, Temple or Synagogue – A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. Accessory uses, buildings and structures customarily associated with the church, are classified as part of the principle use as a church, temple or synagogue.

Clinic, Animal – A building or group of buildings and/or structure where domestic animals are admitted for examination, treatment and care by a licensed veterinarian or related paraprofessionals and technicians and where such animals may be provided with overnight housing.

Clinic, Human – A building or group of buildings where human patients are admitted for examination and treatment by more than one (1) professional; such as, a physician, dentist or the like, except that such human patients are not lodged therein overnight.

Club or Lodge – An organization or persons for special purposes or for the promulgation of agriculture, sports arts, science, literature, politics or the like, but not for profit, and open only to members and not the general public.

College – A place of higher learning providing facilities for teaching and research of a general, technical, or religious nature, either public or private, and which is operated on a nonprofit basis.

Commercial – A business operated primarily for profit, including those of retail trade and professional, personal, technical and mechanical services.

Commercial District or Center – A concentration of commercial uses or activities, on a specific area planned or zoned for commercial purposes.

Common Areas, Uses and Services - Land areas, improvements facilities and utilities, the use, enjoyment and maintenance of which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.

Construction Code – Means the BOCA National Building Code or any Code established in accordance with its provisions.

Convalescent or Nursing Home – A Structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.

Deck – A wood platform measured from grade 16” in height to platform with footings, attached or unattached to structure.

District – See “Zoning District”

Drive-in Establishment - A Drive-in Restaurant shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site outside the main building.

Dwelling – A building designed in accordance with the Township Construction Code or used exclusively as a living quarters for one (1) or more families but not including automobile chassis, tents or portable buildings.

Dwelling, Farm – A dwelling used to house the principle family operation a farm, and which is accessory to the operation of the farm, which is the principle use of the land upon which it is located.

Dwelling, Group – (Group housing) Two (2) or more single or multiple family dwelling structures on a parcel of land under single ownership.

Dwelling, Mobile Homes – A dwelling unit manufactured in one or more sections, designed for year-round dwelling purposes, capable of being transported upon its own or a separate wheeled chassis and not motorized or self-propelled but which meets the minimum floor area requirements of this zoning ordinance and installed in accordance with all of the other requirements of this Ordinance and the Construction Code specified for dwellings, when located outside of a licensed mobile home park.

Dwelling, Multiple Family – A dwelling structure, or portion thereof, designed for occupancy by two (2) or more families living independently of each other.

Dwelling, One Family - A dwelling structure designed exclusively for occupancy by one (1) family.

Dwelling, Two Family or Duplex – A multiple family dwelling structure designed exclusively for occupancy by two (2) family’s independent of each other; such as a duplex dwelling unit.

Dwelling Unit – A dwelling unit is any building or portion thereof or a mobile home having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently. In cases of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to a dwelling.

Entrance Ramp – Automotive access to a highway.

Erected - The word “erected” includes build, constructed reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage and other similar construction, shall be considered a part of erection.

Essential Services – The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam fuel or water transmission or distribution systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

Excavation – Any breaking of ground, except farm use, common household gardening and ground care.

Exception – See “Zoning Exception”

Exit Ramp – Automotive exit from a highway.

Family – One (1) or two (2) persons with or without their direct lineal descendants and adopted children (and including the domestic employees thereof) and additionally not more than four (4) persons not so related, living together in the whole or part of a dwelling comprising a single house-keeping unit shall be considered separate family for the purpose of this Ordinance.

Farm – Real property used for agriculture or horticulture comprising at least twenty (20) continuous acres and which may contain other contiguous or non-contiguous acres, all of which is operated by a single family, family corporation, individual or corporation.

Farming – See “Agriculture”

Fence – A permanent partition, structure or gate erected as a dividing marker, barrier or enclosure, and not a part of a principle building or structure or other accessory structure. An ornamental fence is one that is less than three (3) feet in height, and is normally used in setting off planting areas and gardens.

Filling – The depository or dumping of any matter into or onto the ground, except common household gardening and general care.

Filling Station – See “Automobile Service”

Flood Plain – That portion of land adjacent or connected to a water body or water course which is subject to periodic inundation in accordance with the 100 year flood cycle.

Floor Area, gross (GFA) – The sum of the gross horizontal areas of the several floors of the building measured from the exterior face of the exterior walls or from the centerline of walls

separating two (2) dwelling units. The gross floor area of a building shall include the basement (see definition) floor area when more than one half (1/2) of the basement height is above the established curb level or finished lot grade and of interior finished construction similar to first or main floor. Any space devoted to off-street parking or loading shall not be included in gross floor area. Areas of dwelling basements unfinished attics, utility rooms, breezeways, porches (enclosed or unenclosed) or attached garages are not included.

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

Foster Care Home – A State licensed child or adult care facility which is organized for the purpose of receiving children or adults for care, maintenance, and supervision in building supervised by the home for that purpose, and operated throughout the year. Foster Care Homes do not include a hospital licensed under Section 59 and Act. No. 269 of the Public Act No. 139 of the Public Acts of 1956, as amended, or a hospital for mentally ill licensed under Act No. 151 of the Public Acts of 1923, as amended, or nursing and convalescent care centers.

Frontage, Street – See “Road Frontage”

Garage, Commercial – Any Garage, other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipping of automobiles or other motor vehicles.

Garage Private – An Accessory building not to exceed the height of the principle structure used for parking of vehicles or storage as may be required in connection with the permitted use of the principle building.

Gas Station – See “Automobile Service”.

Grade – The term “Grade” shall mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. 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.

Greenbelt – A buffer area consisting of an open space, except as specifically required in certain sections of this Ordinance, which shall be either level or a berm and landscaped with trees, shrubs, vines and ground covers. When a screen buffer is required, it shall consist of a dense evergreen planting or a solid fence or wall.

Group Housing - See “Dwelling, Group”

Group Residential Homes – See “Foster Care Homes”

Highway – Any Public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Michigan Department of Transportation. (Also see “Road”).

Historical Building, Site or Area – Those parcels and/or uses of land and/or structures whose basic purpose is to (a) safeguard the heritage of the local unit by preserving or allowing a structure or use which reflects elements of the community’s cultural, social, economic, political or architectural history; (b) stabilize and improve property values in the area; © foster civic beauty; (d) strengthen the local economy; (e) promote the use of such sites for the education, pleasure, and welfare of the local residents and the general public.

Home, Motor – A motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not include mobile home.

Home Occupation – Any use customarily conducted entirely within the dwelling or an accessory structure and carried on by the inhabitants thereof, not involving employees other than members of the immediate family, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reasons of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, profession or hobby. Such occupation shall not require external alterations of construction features, outdoor storage, or signs not customarily in residential areas.

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

Hotel – A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five (5) sleeping rooms, and in which no provisions are made for cooking in any individual room. (Also see “Motel”).

Industrial – A business operated primarily for profit, including those of product manufacturing or conversion through assembly of new or used products or through the disposal or reclamation of salvaged material, and including those businesses and service activities that are a normal integral part of an industrial enterprise or area.

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

Institutional – An organization having a social, educational, or religious purpose established by law, custom, practice or a system to serve a public.

Junk – All rubbish, refuse, waste material, garbage, including, but not limited to the following: Waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, putrescible and non putrescible solid waste (except body wastes), ashes, glass, cans, bottles, wastes, discarded, inoperative, dismantles or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farming composting for on-site use.

Junk Yard – Any lot, parcel, field or tract of land on which there is an accumulation of junk, equipment or machinery, whether operated for profit or not for profit bases. The term “Junk Yard” includes automobile wrecking yards and salvage areas of more than 200 square feet for the storage, keeping or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses contained entirely within an enclosed building.

Kennel – Any lot or premises on which four (4) or more dogs of more than six (6) months in age are kept or boarded temporarily or permanently, for the purpose of breeding, for sale or otherwise. It shall also include any lot or premises on which other furbearing household or domestic pets or like number are bred or sold.

Laboratory – A place in which the principle use is devoted to experimental, routine, or basic study such as testing and analytical operations.

Lake – A permanent natural or man-made body of surface water if at least five (5) acres in area.

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

Land Use Permit – See “Zoning Permit”

Lighting, Source of – For purpose of this Ordinance, the source of light shall refer to the light bulb or filament which exposed or visible through a clear material. Exposed mercury lamps or neon lamps shall be considered a direct source of light.

Loading Space – An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and/or unloading merchandise or materials.

Lot – A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings, or utilized for the principle use and uses accessory thereto, together with such yards and open spaces as required under the provisions of this Ordinance. A lot may or may not specifically designated as such on public records. (Also see “Parcel” or “Plat”). A lot shall not include road easements or road right-of-ways.

Lot Area – The total horizontal area within the lot lines of a lot or parcel.

Lot, Corner – A lot here the interior angle of two (2) adjacent sides at the intersection of two (2) roads is less than 135 degrees. A lot abutting upon a curved road or roads shall be considered a corner lot for the purpose of this Ordinance if the arc is of less radius than 150 feet and the tangents to the curve at the two (2) points where the lot lines meet the curve or the straight road line extended, form an interior angle of less than 135 degrees.

Lot Coverage – That percentage of the lot or parcel covered by all buildings and structures including decks located on the lot or parcel.

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

Lot, Double Frontage – Any interior lot having frontages on two (2) more or less parallel roads as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to road shall be considered frontage and front yards shall be provided as required.

Lot Interior – Any lot other than a corner lot.

Lot Lines – The exterior perimeter boundary lines of a lot or Parcel.

Lot Line, Front – In the case of an interior lot, that line separating said lot from the road. In the case of a corner lot, or double frontage lot, “front lot line” shall mean that line separating said lot from that road which is designated as the front road in the plat and in the application for a Zoning Permit.

Lot Line, Rear – That lot line opposite the front lot line. In the case of a lot pointed at the rear, the lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet long farthest from the front lot line and wholly within the lot.

Lot Line, Side – Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a road is a side road lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record – A lot existing prior to the adoption of this Ordinance and recorded in the office of the County Register of Deeds. For the purpose of this Ordinance, land contracts and purchase options not recorded in the County Register of Deeds Office, but dated and executed prior to the effective date of this Ordinance shall also constitute a “lot of record” (Include “Parcel of Record”).

Lot Waterfront – A lot having a frontage directly upon a lake, river, or other reasonable sized impoundment of water. The portion adjacent to the water shall be designated as the lake frontage or front yard, and the opposite side shall be designated the road frontage or rear yard of the lot.

Lot Width – The horizontal distance between the side lot lines, measured at the two (2) points where either the building line, or front lot line intersects the side lot lines.

Major Thoroughfare – A road, street or highway designated as such in the Township Master Plan.

Marginal Access Road – A public or private road or driveway paralleling and adjacent to any one of the major roads and arterioles as designated in the Township Master Plan.

Mobile Home – A dwelling unit manufactured in one or more sections, designed for year-round, temporary or transient dwelling purposes, capable of being transported upon its own or a separate wheeled chassis, not motorized or self-propelled, built for the purpose of being located in a licensed mobile home park, meets the requirements of the FHA Standards of the United States Department of Housing and Urban Development (HUD) of the American National Standards Institute (ANSI) if built prior to 1976, and installed in accordance with this Zoning Ordinance and the Construction Code.

Mobile Home Park – For the purpose of this Ordinance a specifically designated parcel of land constructed and designed to accommodate three (3) or more mobile homes for residential dwelling use.

Mobile Home Space or Pad – Specified area of ground within a mobile home park designed for the accommodation of one (1) mobile home.

Motel – (Also see “Hotel”) – A motel or motor court is a business comprising a dwelling unit or a group of dwelling units so arranged to furnish temporary or transient lodging accommodations for the public for compensation.

Motor Court – See “Motel”

Nonconforming Building or Structure – A nonconforming building is a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

Nonconforming Use – A nonconforming use is a use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

Nuisance – Is an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being.

Nuisance Per Se – Is a nuisance which is subject to remedy as a matter of law and is a violation of this Zoning Ordinance

Nursing Home – See “Convalescent Home”

Occupied – A building, structure, or land area designed and used for the purpose of and occupied for a useful purpose permitted under the provisions of this Ordinance.

Office – An enclosed area which has as its primary use, rooms for professional or financial organizations, individuals, and labor unions, civic, social, fraternal and/or other related organizations or enterprises.

Office Park – District or area for office and office related accessory uses.

Off- Street Parking – See “Parking Off-street”

Off-Street Parking Lot – See “Parking Off-Street, lot”

Off-Street Parking Space – See “Parking Off-street, space”

Open Air Business Use – Air business uses operated for profit, substantially in the open air, usually without buildings structures, including uses such as the following:

- A. Bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale, repair, or rental services.
- B. Outdoor display and sales of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools, and similar products.
- C. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, and fertilizer.
- D. Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving range, children’s amusement park or similar recreation uses (transient or permanent.)

Open Space – Any land area suitable for growing vegetation, recreation, gardens or household service activities, such as clothes drying, but not occupied by any buildings.

Open Space Uses – Any principal or accessory use of a lot or parcel not involving the use of buildings or structures which are required to meet the Township Construction code.

Open Storage – A land area occupied and used for outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.

Outdoor Advertising Signs – See “Sign, Outdoor Advertising”

Parcel – See “Lot”

Parking, Off-Street – Vehicular parking provided on a lot or parcel, but not within a highway or road right-of-way.

Parking, Off-Street Lot – A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking or more than two (2) automobiles.

Parking, Off-Street Space – An area of definite length and width; said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles on lots or parcels, but not within a public highway or public or private road right-of-way.

Parking Space- A land area of not less than nine (9) by twenty (20) feet, exclusive of driveways and aisles and so prepared as to be usable for the parking of a motor vehicle and so located as to be readily accessible to a public road or alley.

Pet – Shall mean only such animals as may commonly be housed within domestic living quarters.

Planned Unit Development – A planned residential, commercial, industrial, public or semi-public land use development consisting of two or more principle uses located on a parcel of land of prescribed minimum area and approved by the Township after site plan review.

Plat – A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of Public Act 288 of 1967; The Subdivision Control Act and the Subdivision regulations of the Township, if and when enacted.

Pond – A small body of surface water of less than five (5) acres in area which exists in a natural state or is established by either the damming of surface water or by excavation of soil to expose ground water.

Porch, Enclosed – (includes patio) – 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 principle building or structure to which it is attached.

Porch, Open – (includes patio and deck) – 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 an internal roof with the principle building or structure to which it is attached.

Practical Difficulties – See “Zoning Variance”

Private Road – See “Road Private”

Public Utility – Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; electricity, gas, steam, communications, telegraph, transportation, water, storm water collection or wastewater collection and treatment.

Raised Platform – A wood platform measured from grade sixteen (16) inches in height and under with no footings, attached or unattached to structure.

Recreation Vehicle - A vehicle primarily designed and used as temporary living quarters for recreational, camping or power or a vehicle mounted on or drawn by another vehicle.

Recreation Vehicle Park (RV Park) – A family recreation oriented facility for the overnight or short-term (not to exceed fourteen (14) days consecutively) parking of travel trailers, recreation vehicles or tents. May also be known as a campground.

Restaurant – Is a building in which food or beverages are or prepared and offered for sale, and where consumption is permitted on the premises whether or not entertainment is offered.

Right-of-Way, Road – See “Road Right-of-Way” includes “Highway and Street Right-of Way”

Road – Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the County Road Commission.

Road Frontage – The legal line which separates a dedicated road right-of-way or easement from abutting land.

Road Frontage Access – A public or private road paralleling and providing ingress and egress to adjacent lots and parcels but connected to the major highway or road only at designated intersections or interchanges.

Road, Hard Surface – A highway or road built to the concrete or asphalt surface road building specifications of the County Road Commission or the Michigan Department of Transportation.

Road Private – A non-public road is one which serves at least two (2) separately owned lots or parcels and which must meet the standards of section 6.10.

Road Right-of-Way Line – The line which forms the outer limits of a road right-of-way or easement, and which forms the line from which all setbacks and front yards are measured, unless otherwise specified in this Ordinance.

Roadside Stand – A Temporary or permanent building or structure operated for the purpose of selling only produce raised or produced on the same premises including the immediate surrounding area, by the proprietor of the stand or his or her immediately family; its use shall not make it a commercial district or land which would be otherwise classified as agricultural or residential, nor shall its use be deemed a commercial activity. The maximum floor area of a Roadside Stand shall not exceed 400 Square feet.

Salvage – Means junk that is salvageable for re-use or recycling purposes.

Sanitary Landfill – A private or public landfill that meets all of the requirements of Public Act 641 of 1975 or Public Act 64 of 1979 and the rules promulgated under these Acts by the Michigan Department of Environmental Quality (DEQ).

Setback, Road – The distance between the right-of-way line and the nearest point to any portion of the structure except eaves, must meet setbacks.

Setback, Waterfront – The distance between the shoreline and nearest point to any portion of the structure except eaves, must meet setback.

Shoreline – The line which separates land from a surface water feature may be (a) established as a matter of record as the mean level elevation of the surface water or (b) as determined by the legal establishment of the surface water level elevation by the County. For the purpose of this Ordinance the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.

Sign – The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as to show an individual firm, profession, business, product or message and visible to the general public.

Sign Lighted – Any sign having conspicuous, continuous or intermitted variation in the illumination of the physical position of any part of the sign.

Sign Outdoor Advertising – (also billboard) – Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. The definition does not include any bulletin board used to display official court or public notices.

Site Plan – A legal plot of survey of a lot or parcel and the plan for all of the proposals to develop or change the existing character of the lot or parcel.

Special Use – A use which is subject to approval by the Township after a site plan review. A special use may be granted when specified by this Ordinance. A permitted special use is not considered to be a nonconforming use.

Special Use Permit – A permit issued by the Township Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure which is not specifically mentioned in this Ordinance and poses a unique characteristic found to be not injurious to the health, safety, convenience and general welfare of the Township's inhabitants.

Story – That part of a building included between the surface of one (1) floor, and the surface of the next floor; or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height of the adjoining ground.

Story, Half – An uppermost story lying under a sloping roof the usable floor area of which, at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below, and the height above at least two hundred (200) square feet of floor space is seven (7) feet, six (6) inches.

Story Height – The vertical distance from the top surface of one (1) floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the ceiling above it.

Street – See “Road”

Structure – See “Building” – and in addition any man-made surface feature or designed earth feature other than normal grading for drainage purposes including drives, parking areas, garden houses, pole barns, sheds, pergolas, decks, porches, playhouses and game courts.

Structure Alterations – Any changes in the supporting members of a building such as bearing walls, column, beams or girders or any substantial changes in the roof and exterior walls.

Television Satellite Dish – An outdoor structure used for the purpose of receiving television signals and programs from space satellites.

Swimming Pool - Any permanent, non-portable structure or container located either above or below grade designed to hold water to depth greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered and accessory structure for the purposes of computing lot coverage.

Temporary Building – See “Building, Temporary”

Temporary Use – See “Use, Temporary”

Tent – As used in this Ordinance, shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of small tents used solely for children’s recreational purposes.

Township – Means Plainfield Township

Travel Trailer – A portable non-motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for periodic overnight lodging. This term also included folding campers and truck mounted camper but does not include mobile home.

Use – The lawful purpose for which land or premises or a structure or building thereon is designed, arranged, intended or for which is occupied, maintained, let or leased for a use or activity.

Use, Accessory – A use or activity normally and naturally incidental to, subordinate to, and devoted exclusively to the principle use of the land or buildings, including all structures detached

from the principle structure above ground; such as garages, sheds, barns, television satellite dishes, and designed surface structures.

Use, Agricultural – Any use permitted in the RD and AR agricultural Zone in this Ordinance.

Use, Commercial – Any use permitted in the NSC, CSC and Commercial and Planned Unit Development (PUD) Commercial Zones in this Ordinance.

Use, Industrial – Any use permitted in the “I” industrial and Planned Unit Development (PUD) industrial Zone in this Ordinance.

Use, Land – The principle and accessory uses and activities being made of all land area, buildings and structures located upon a lot or parcel.

Use, Principle – The primary or dominant use or activity to which lot or parcel is put.

Use, Public – Any of the publicly-owned or leased uses of land, buildings or structures administered and operated by a public agency or official.

Use, Residential – Any of the uses permitted in the Residential and Residential Planned Unit Development (PUD) zones in this Ordinance.

Use, Temporary – A use, activity or building permitted to exist during period of construction of the main building or use, or for special events.

Variance – See “Zoning Variance”

Yard – The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.

Yard, Front – The open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

Yard, Front Roads and Waterfronts – Are both defined as front yards or setbacks from the road right-of-way lines and shorelines of water bodies.

Yard, Rear – The open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.

Yard, Side – The open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot to the nearest point of the main building.

Zoning Administrator – The Township official appointed by the Township Board to administer and enforce the standards of this Zoning Ordinance.

Zoning Appeal – An entreaty or demand for a hearing and/or review of facts and/or actions by the Zoning Board of Appeals.

Zoning District – A portion of the unincorporated area of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

Zoning Exception – See “Zoning interpretation and “Zoning Variance”

Zoning Interpretation – A principle or accessory use permitted within the intent and purpose of this Ordinance only after review of an application by the Zoning Board of Appeals which may include the advice and counsel of the Planning Commission. Such review is necessary because the provisions of this Ordinance in respect to the listed permitted principle and accessory uses are not precise enough to all applications without interpretation, and such review of the provisions of this Ordinance is therefore required.

Zoning Permit – A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this Zoning Ordinance.

Zoning Variance – The term “Variance” shall mean a modification of literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause a practical difficulty due to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are (a) practical difficulties, (b) unique circumstances and (c) exceptional and unusual elements, are present which would preclude the same type of development permitted in the zoning district from being repeated, but, which with a variance, would permit compatible development similar to the character of development permitted in a zoning district. The term “Variance” shall not mean to include granting variances for substantially larger building or additional uses other than those permitted in the respective zoning districts.

- A. **Practical Difficulties** – Shall mean that dimensional zoning requirements cannot be met by an existing lot or parcel because of its unique or unusual shape and size due to its narrowness, shallowness, irregular shape or natural or existing development characteristics and such lots or parcels are different in the sense of these characteristics from other more typical lots located in the same zoning district.

ARTICLE THREE

Administration and Enforcement

Section 3.01 – Purpose

The purpose of this Article is to provide for the organization of personnel and procedures for the administration of the Ordinance, including the submittal and review of land use and development plans, issuance of land and structural use zoning permits, inspections of properties for compliance with the Zoning Map and regulations, establishment and collection of permit fees, handling of violators and enforcement of the provisions of this Ordinance and any amendments to it.

Section 3.02 – Administration

The provisions of this Ordinance shall be administered by the Township Board, the Township Planning Commission and such personnel as designated by the Township Board in accordance with the Michigan P.A. 168 of 1959, as amended, “Michigan Zoning Enabling Act P.A. 110 of 2006, (MCL 125.3101), as amended, and this Zoning Ordinance.

Section 3.03 – Duties of Zoning Administrator

- A. Receive and review all applications for Zoning Permits and approve or disapprove such applications based on compliance with the provisions of this Ordinance and shall approve issuance of the permit if the use and the requirements of this Ordinance are met.
- B. The Zoning Administrator shall assist the Township Board, the Planning Commission and the Zoning Board of Appeals in the processing and administering of all zoning appeals and variances, special use permits and amendments to the Zoning Ordinance.
- C. The Township Clerk with the assistance of the Zoning Administrator shall be responsible to update the Township Zoning Map and keep it current.
- D. The Zoning Administrator shall prepare and submit to the Township Board and the Planning Commission a written record of all zoning permits issued during each month. The record shall state the owner’s name, location of property, intended use and estimate cost of construction for each permit.
- E. Maintain written records of all actions taken by the Zoning Administrator.

Section 3.04 – Zoning Permit

A. Zoning Permit requirements

A zoning permit is required for and shall be obtained after the effective date of this Ordinance from the office of the Zoning Administrator or his/her agent by the owner or his/her agent for the following conditions:

1. The administrative coordination of Zoning Permits issued by the Township and Building Permits by the Building Inspector shall be in accordance with Section 6.12 of this Ordinance.
2. The construction, enlargement, alteration or moving of any dwelling, building or structure or any part thereof being used or to be used for agricultural, residential, commercial, industrial, public or semi-private purpose.
3. Repairs of a minor nature or minor alterations which do not change the use, occupancy, area, structural strength, fire hazard, fire protection, exits, light, and ventilation of a building shall not require a Zoning Permit.

B. Application for a Zoning Permit

Application for a Zoning Permit Shall be made in writing upon a form furnished by the Zoning Administrator, including the following information:

1. The location, shape, area and dimensions for the parcel or parcels, lot or lots or acreage, and all existing improvements on the lot or parcel.
2. The location of the proposed construction, upon the parcel or parcels, lot or lots or acreage affected.
3. The dimensions, height and bulk of structures.
4. The nature of the proposed construction, alteration, or repair and the intended use.
5. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other uses.
6. The present use of any structure affected by the construction or alteration.
7. The yard, open area and parking space dimensions, if applicable.
8. The proposed plan and specifications of off-street parking spaces, if applicable.
9. The proposed plan and specifications of off-street loading and unloading spaces provided, if applicable.
10. Any other information deemed necessary by the Zoning Administrator to determine and provide for the enforcement of this Ordinance.

If the information included in and with the application is in compliance with these requirements and all other provisions of this Ordinance, the Zoning Administrator shall issue a Zoning Permit upon payment of the required Zoning Permit fee.

C. Voiding of Permit

Any Zoning Permit granted under this Article shall be null and void unless the development proposed shall have its first inspection within one (1) year from the date of granting the permit. The Zoning Administrator shall notify the holder of the permit at least thirty (30) days prior to the expiration of the one (1) year period before voidance of the zoning permit is actually declared. The Zoning Administrator may suspend or revoke a Permit issued in error or on a basis of incorrect information supplied by the applicant or his agent or in violation of any of the ordinances or regulations of the Township.

D. Fees, Charges, and Expenses

The Township Board shall establish a schedule of fees, charges, and expenses, and a collection procedure, for Zoning Permits, appeals and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Township Office and may be altered or amended only by the Township Board. No permit certificate, special use approval, or variance shall be issued until such costs, charges, fees or expenses listed in this ordinance have been paid in full, nor shall any action be taken on proceedings before the Zoning Board of Appeals, until preliminary charges and fees have been paid in full.

E. Inspection

The construction or usage affected by any Zoning Permit shall be subject to the following inspections:

1. At time of staking out of building foundation or location of structure.
2. Upon completion of the construction authorized by the permit.
3. It shall be the duty of the holder of every permit to notify the Zoning Administrator when construction is ready for inspection. Upon receipt of such notification for the first inspection, the Zoning Administrator shall determine whether the location of the proposed building, as indicated by corner stakes, is in accordance with yard setbacks and other requirements of the Ordinance. The Zoning Administrator shall issue his written approval at the time of inspection if the building or proposed construction meets the requirements of this Ordinance.
4. Should the Zoning Administrator determine that the building or structure is not located according to the site and construction plans filed, or is in violation of any provision of this Ordinance, or any other applicable law, he shall notify, in writing, the holder of the permit or his agent. Further construction shall be stayed until correction of the defects set forth has been accomplished and approved upon notice and request for re-inspection by the applicant and those inspections completed and compliance certified by the Zoning Administrator.
5. Should a Zoning Permit holder fail to comply with the requirements of the Zoning Administrator at any inspection stage, the Zoning Administrator shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction not conforming to the Ordinance requirements, and such posting shall be considered as service upon the notice to the permit holder of cancellation thereof; and no further work upon said construction shall be undertaken or permitted until such time as the requirements of this Ordinance have been met.

Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the permit, requiring issuance of a new permit before construction may proceed.

Section 3.05 – Violations

Any building or structure, including mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained or changed in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se. Any violation of any provision of this ordinance or any permit, license or exception granted hereunder, or any lawful order of the Zoning Administrator, Zoning Board of Appeals, Planning Commission or the Township Board issued in pursuance of this Ordinance can be corrected by way of the Municipal Civil Infraction procedure as herein established, in addition to any of the other remedies as set forth in other sections of this ordinance, and shall be a Municipal Civil infraction. A violation includes any act which is prohibited or made or declared be unlawful or an offense by this Ordinance and any offense by this ordinance and any omission or failure to act where the act is required by this ordinance.

Section 3.06 – Penalties

- A. A person, corporation or firm who, as a result of violating any provision of this Ordinance, shall be issued a “Notice of Zoning Violation” which provides a prescribed period of time to correct the violation to the satisfaction of the authorized Township Official who issued the notice.
- B. A person, corporation or firm who fails to comply with the “Notice of Zoning Violation, could be responsible for one or all of the following:
 - 1. Being ticketed and found responsible for a Municipal Civil Infraction of this Ordinance, with payment of an fine of not less than \$75.00 nor more than \$500.00 plus violator shall pay costs which may include all expenses, direct and indirect to which the Township has been put in connection with the Municipal Infraction. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance.

		Minimum Fine	Maximum Fine
2.	First Offense within 5-year Period	\$75.00	\$500.00
	Second Offense within 5-year Period	\$150.00	\$500.00
	Third Offense within 5-year Period	\$325.00	\$500.00
	Fourth Offense within 5-year Period	\$500.00	\$500.00

- C. Each and every day during which any illegal erection, construction reconstruction, alteration, maintenance or use continues shall be deemed a separate offense. The Township Board, or any owner or owners of real estate within the district in which such building, structures or land use is situated may institute injunction, mandamus abatement or any other appropriate action, actions or proceedings to prevent, enjoin, abate, or remove any said unlawful erection, construction, maintenance or use of land, buildings or structures. The rights and remedies provided here in are cumulative, and in addition to all other remedies provided by law.

Section 3.07 – Enforcement Procedure

In addition to the enforcement action provided in Section 3.04 E, 1-5, the following additional enforcement procedures may be applicable in the instances of violations of (1) provisions of the Zoning Ordinance, (2) approved special uses, (3) approved planned unit developments, (4) approved site plans or (5) decisions of the Zoning Board of Appeals, Planning Commission, Township Board, District Court or Circuit Court relative to a particular land use development or activity approved under the provisions of this Zoning Ordinance.

- A. When a violation is initially determined by the Zoning Administrator, it shall be the Administrators responsibility to issue a “Notice of Zoning Ordinance Violation” to the owner or owners and occupant or occupants of the lot or parcel upon which the zoning violation has occurred. This notice shall be issued on a special document for this purpose and shall at least include the following information pertinent to the violation:
 - 1. Date and location of each violation observed by the Zoning Administrator
 - 2. Name (s) and addresses of owner (s) and occupant (s).
 - 3. Specific Section (s) of the Zoning Ordinance which has been violated. If more than one violation, list each violation and each Section violated.
 - 4. Length of time allowed before further prosecution of the violation (s).
- B. Failing compliance by owner (s) and occupant (s) by specified date in A. above, the Zoning Administrator shall issue a “Municipal Civil Infraction Ticket
- C. Failure to comply with the selected procedure outlined in A-C above may then, be followed by the instituting of a procedure to seek a bench warrant from the Judge of the District Court for the owner(s) and occupant (s) of the property upon which the violation (s) occurred into court to seek correction of the violation (s). The information contained in the request to District Court for a bench warrant shall be drafted by the Township Attorney and submitted to the District Court Judge for appropriate setting of the date and determination for correcting the violation (s).
- D. Failure to get compliance from a violator by any one or combination of the above procedures the Township Board may seek and use any additional administrative or legal means available to them to gain compliance of any violations of this Zoning Ordinance.

ARTICLE FOUR

Zoning Board of Appeals

Section 4.01 – Establishment Board of Appeals

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by Section No. 125.3601, P.A. 110 of 2006 as amended and also known as the “Michigan Zoning Enabling Act, (ZEA) of 2006 and as provided in this Ordinance in such a way that the objectives of this Ordinance shall be enforced, the public health and safety secured, and substantial justice done.

Section 4.02 – Membership and Terms of Office

The Zoning Board of Appeals shall consist of five (5) members. The first member of such Board of Appeals shall be a member of the Township Planning Commission, to be appointed by the Township Board, for the term of his or her office; The second member may be a member of the Township Board, elected by the by the Township Board for the term of his or her office; and remaining members shall be selected and appointed by the Township Board from the electors residing in the unincorporated area of the Township for a term of three (3) years, with the three (3) elector members appointed for staggered terms of 1, 2, 3, years, provided that no elected officer of the Township other than the Township Board member, nor any employee of the Township Board my serve simultaneously as the elector member or as an employee of the Zoning Board of Appeals. The Chairman of the Zoning Board of Appeals shall be elected from among any of its members each year at the first regular meeting held at the beginning of each calendar year. The Township Board member appointed to the Zoning Board of Appeals shall not serve as chairman.

Section 4.03 Alternate membership

The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

Section 4.04 Rules of Procedure, Majority Vote

The Board shall adopt its own bylaws of rules and procedures as may be necessary to properly conduct its meeting and activities. The concurring vote of a majority of the full membership of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance due to any practical difficulties.

Section 4.05 – Meeting

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman or in his absence the Vice-Chairman and at such other times as the Board in its bylaws may specify. The Zoning Board of Appeals shall hold at least four (4) meetings in each calendar year.

Section 4.06 – Public Meeting and Minutes

All meetings of the Zoning Board of Appeals shall be open to the public. Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered, together with the record of the vote of each member by name and the final disposition of each case. The grounds of every determination shall be stated, in writing, and recorded as part of the official minutes and record of the Board. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall be filed in the office of the Township Clerk and the Planning Commission and shall be sent promptly to the applicant or appellant and to the Zoning Administrator. The Township Clerk shall act as the depository for all official files of the Zoning Board of Appeals.

Section 4.07 – Powers and Duties

The Zoning Board of Appeals shall have powers to interpret the provisions of this Ordinance, Zoning Map and to grant Variances from the strict application of any provisions of this Ordinance, except as otherwise provided in this Ordinance.

- A. The Zoning Board of Appeals shall hear and decide Appeals from, and review any order, requirement, decisions or determination made by the Planning Commission or Zoning Administrator in the administration of this Ordinance as hereinafter provided, and shall have power to interpret the provisions of this Ordinance; to grant variances from the strict application of any of the provisions of this Ordinance.
 1. To decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with regard thereto.
 2. To grant variances from any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties in way of such a strict application. No variance shall be granted to permit the establishment within a district of any use which is excluded or for which a special use permit is required.
 3. To permit the erection and use of a building, or an addition to an existing building of a public service corporation or for public utility purposes, in any permitted district to a greater height or larger area than the requirements herein established; and permit the location in any district of a public utility building, structure or use, if the Commission shall find use, height, area, building or structure reasonably necessary for the public convenience and service; and provided such building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.

4. Determine the classification of off-street parking and loading requirements in Section 19.02 and 19.03

Section 4.08 – Variances

A variance from the terms of this Ordinance shall not be granted by the Zoning Board of Appeals unless and until:

- A. A written application for a variance is submitted, demonstrating:
 1. That special conditions and circumstances exist which are peculiar to the land, land use, structure or buildings in the same zoning district so as to present such a unique situation that a precedent will not be established for other properties in the district to also ask the same or similar change through the Zoning Appeal procedure.
 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of right commonly enjoyed by other properties in the same zoning district under the provisions of this Ordinance.
 3. That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Ordinance to the other lands, structures, or buildings in the same zoning districts.
 4. Any existing nonconforming use of land, structures, or buildings in the same Zoning Districts, that is not a permitted use of lands structures or buildings in other zoning districts shall not be considered grounds for the issuance of a variance. Uses not listed shall be added to the Zoning Ordinance in accordance with Section 6.09.
 5. When submitting a variance request in R-1, R-2, and R-3 for the side, front, or rear setback it will be required that a certified boundary survey be submitted. This survey shall locate and mark the corners of subject property, which shall remain visible and show all distances of buildings from property lines on drawing.
- B. The Zoning Board of Appeals shall make findings that the requirements of this Ordinance have been met in the zoning district in which it is located by the applicant for the variance requested.
- C. The Zoning Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure in the zoning district in which it is located.
- D. The Zoning Board of Appeals shall further make a finding that the granting of a variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious or otherwise detrimental to the public welfare of the zoning district in which it is to be located.

- E. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in order for the variance to be in conformance with this Ordinance as much as reasonably possible. Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance, and punishable under Section 3.06 of this Ordinance.
- F. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the zoning district in which the variance is to be located.

Section 4.09 – Voiding of and Reapplication for Variances

- A. Each variance granted under the provisions of this Ordinance shall be null and void unless the use and construction authorized by such variance or permit has been commenced within one (1) year after the granting of such variance.
- B. No Application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from such denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

Section 4.10 – Procedure for Appealing the Zoning Board of Appeals

- A. **Appeals, How Taken**
 Appeals from the ruling of the Township Zoning Administrator may be made to the Zoning Board of Appeals in the following manner:
 1. The person, firm or agent thereof making the appeal, shall file in writing to the Zoning Administrator a letter stating what the specific appeal is and the reasons for said appeal.
 2. The Zoning Administrator submits the written appeal, along with all papers constituting the record from which the action appealed was taken to the Zoning Board of Appeals.
- B. **Who May Appeal**
 Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by an officer, department, board, agency or bureau of the Township, County, State Federal or other legally constituted form of government
- C. **Fee for Appeal**
 A fee prescribed by the Township Board shall be submitted to the Zoning Administrator at the time of filing the letter of appeals. The appeals fee shall immediately be place in the Township General Fund.
- D. **Effect of Appeal**
 An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Township Zoning Board of

Appeals, after the notice or appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would in his or her opinion cause imminent peril to life or property, in which case proceeding shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

E. Hearing by the Zoning Board of Appeals, Request, Notice, Hearing

When a request for appeals has been filed in proper form with the Zoning Board of Appeals, the Chairman shall immediately place the said request for appeal upon the calendar for hearing, and cause notice, stating the time, place and object of the hearing to served personally or by mail at least ten (10) days prior to the request for appeal. Notices shall be sent to all property owners and occupants of properties located within 300 feet of the parcel for which the variance is being requested at least ten (10) days prior to the date of the hearing.

F. Representation at Hearing

During the hearing, any party or parties may appear in person or by agent or by attorney.

G. Determination by Zoning Board of Appeals

The Zoning Board of Appeals shall decide upon all appeals within reasonable time and reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and shall make such order, requirements or decision or determination as, in its opinion, ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator, Township Board and Planning Commission from whom the appeal is taken. The Zoning Board of Appeals' decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Zoning Board of Appeals affixed thereon. Any persons having an interest affected by such resolution shall have the right to appeal to the Circuit Court on questions of law and fact.

ARTICLE FIVE

Amending the Zoning Ordinance

Section 5.01 – Changes and Amendments

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

Section 5.02 – Procedures

The procedure for making amendments to this Ordinance shall be in accordance with the Michigan Zoning Enabling Act (ZEA) Public Act 110 of 2006, as amended.

A petition, together with a completed and signed application and fees, shall be filed with the Township Clerk. The Clerk shall review the application as to form and, when it is approved, transmit same to the Township Planning Commission for review and report. The Clerk, shall at the same time, establish a date for a public hearing on the petition for the Planning Commission and shall give proper notice of the hearing as provided in Public Act 110 of 2006, as amended. The Clerk shall also, for any proposed amendment to the Zoning Map, give notice thereof, and of the public hearing, to the owner of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all single and two family dwelling within three hundred (300) feet. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission prior to the hearing. The notice shall be made at least fifteen (15) days prior to the hearing.

Requirements of written notice to property owners shall not apply to comprehensive revisions to the Zoning Ordinance. Public hearing requirements shall also apply to amendments initiated by the Township Board or the Township Planning Commission.

Section 5.03 – Notice of Hearing

The Clerk shall give Notice of Hearing in the following manner:

- A. By two (2) publications in a newspaper of general circulation in the Township, the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second no more than fifteen (15) days before the date of the hearing.
- B. The notice must:
 - 1. Describe the nature of the zoning request, application and action.
 - 2. State the time, date and place of the meeting.
 - 3. Indicate the property that is the subject of the request (If the request involves 10 or fewer adjacent properties, the notice must also include a list of all existing street addresses within the properties.)

4. Indicate when and where written comments will be received concerning the request.
- C. By mailing, certified mail, at least twenty (20) days in advance of the hearing a Notice of Hearing to each electric, gas, pipeline and telephone company that chooses to register its name and mailing address with the Planning Commission for the purpose of receiving such notice.

Section 5.04 – Information required

The petitioner shall submit a detailed description of the petition to the Township Clerk. When the petition involves a change to the Zoning Map, the petitioner shall submit the following information:

- A. A legal description of the property.
- B. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
- C. The name and address of the petitioner.
- D. The petitioner's interest in the property, and if the petitioner is not the owner; the name and address of owner.
- E. Date of filing with the Township Clerk.
- F. Signature (s) of petitioner (s) and owner (s) certifying the accuracy of the required information.
- G. The desired change and reasons for such change.

Section 5.05 – Steps in Making a Change

- A. Petitioner submits application and fee.
- B. Clerk transmits application to Planning Commission, sets hearing date, and publishes notices of hearing.
- C. Planning Commission holds hearing, makes a decision transmits decision to the decision to the Township Board.
- D. Township Board either enacts or rejects proposed change as an Ordinance amendment, and publishes the text of the change in the newspaper.

Section 5.06 – Finding of Facts Required

In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board within sixty (60) days of the filing date of the petition.

The fact to be considered by the Planning Commission shall include, but not limited to, the following:

- A. Whether the requested Zoning change is justified by a change in conditions since the original Ordinance was adopted or by an error in the original Ordinance.
- B. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition.
- C. The compatibility of the Township’s Master Plan or other government agencies to which provide any services, facilities, and/or programs that might be required if the petition were approved.
- D. Effect of approval of the petition on adopted development, policies of the Township and other government units.
- E. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and Township Board. An Amendment shall not be approved, unless these and other identified facts be affirmatively resolved in terms of the general health, safety, welfare, comfort and convenience of the citizens of the Township, or of other civil divisions where applicable.

ARTICLE SIX

General Provision

Section 6.01 – Existing Uses of Lands, Buildings and Structures

The provisions of this Ordinance shall not be retroactive. At the discretion of the owners, the lawful use of any dwelling, building or structure, and of any land or premises as existing and lawful at the time of enactment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance, or in the case of an amendment, Then at the time of the amendment.

Section 6.02 – Scope of Ordinance

Except as provided by Sections 18.02 all land and premises shall be used, and all buildings and structures shall be located, erected and used in conformity with the provisions of this Ordinance following the effective date herein.

Section 6.03 – Land Use, Area and Yard Limitations

In conforming to land use, area and yard requirements, each lot or parcel shall be limited to one principle use or activity, and no area or yard shall be counted as accessory to more than one (1) dwelling or other main building, including commercial, industrial, agriculture, resource development, public or semi-public or institutional buildings.

Section 6.04 – Dwelling Lots or Sites

Every dwelling, cottage, cabin, occupied trailer coach(rev.08/19/09) or mobile home, located and erected outside of a mobile home park, shall be located on a lot or site, and no more than one (1) such dwelling shall be erected on each lot or site, except as otherwise provided in this Ordinance

Section 6.05 – Accessory Building Provisions

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

- A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to,all setbacks applicable to main building.
- B. Accessory buildings shall not be erected in any front yard on waterfront property, with the exception of those not exceeding 200 Square feet. (Per 10.04A)

Section 6.06 Lot – Building Relationship

Every building erected, altered, or moved shall be located on a lot or parcel, as defined and required herein, and there shall be no more than on (1) principle or main building and its permitted accessory buildings and structures located on each lot or parcel.

Section 6.07 – Damaged Building and Structures

Any building that has been partially destroyed by fire or is in such a state of disrepair as to be uninhabitable and a hazard to the public health and safety shall either be entirely removed or repaired within twelve (12) months from date of the occurrence of the damage.

Section 6.08 – Required Water Supply and Wastewater Disposal

Shall meet the requirements established by the County District Health Department and as required by this Ordinance.

Section 6.09 – Access to a Public Road or Highway

Any lot of record created prior to the effective date of this Ordinance with out any frontage on a public road right-of-way shall not be occupied or built upon, except where access to a public road right-of-way is provided by a public or private easement or other right-of-way.

Section 6.10 – Frontage on Public or Private Road or Highway

In any zoning district, every use, building or structure established after the effective date of this Ordinance shall be on a lot or parcel that fronts upon a public or private road right-of-way that meets the following requirements:

- A. Sixty-six (66) feet right-of-way width
- B. Twenty-two (22) feet wide automotive travel way.
- C. Three (3) feet minimum shoulder width on each side of the travel way.
- D. Travel way to have a subgrade stabilized in accordance with County Road Commission standards to a depth of one (1) foot and have a minimum of four (4) inches of compacted processed gravel dust free surface course.
- E. Drainage for the travel way, shoulder and right-of-way shall be a minimum three (3) feet wide ditch drainable to the nearest natural drainage way outlet.

Section 6.11 – Establishment of Zoning Districts

The Township is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

Article No. 8 RD – Resource Development District

Article No. 9 AG – Agriculture District

Article No. 10 R-1, R-2, R-3 Single Family Residential District

Article No. 11 MFR – Multiple Family Residential

Article No. 12 NSC – Neighborhood Service Commercial District

Article No. 13 CSC – Community Service Commercial District

Article No. 14 I – Industrial District

Section 6.12 – Provision for Official Zoning Map

These districts, so established, are bounded and defined as shown on the map entitled: “Zoning Map of Plainfield Township” adopted by the Township Board, and which with all notations, references and other information appearing thereon, is hereby declared to be a part of this Ordinance and to the same force and effect as if the districts shown thereon were fully set forth herein.

Section 6.13 – Changes to Official Zoning Map

If, in accordance with the procedures of this Ordinance and of Public Act 110 of 2006, as amended a change is made in a zoning district boundary, such change shall be made by the Township Clerk with the assistance of the Zoning Administrator promptly after the Ordinance authorizing such changes shall have been adopted and published by the Township Board. Other changes in the Zoning Map may only be made as authorized by this Ordinance and such changes, as approved, shall also be promptly made by the Township Clerk.

Section 6.14 – Authority of Official Zoning Map

Regardless of the existence of other copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Township Clerk, shall be the final authority as to the current zoning status of any land, parcel, lot district, use, building or structure in the Township.

Section 6.15 – Interpretation of Zoning Districts

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, road, alley, railroad, or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot line, a boundary of a parcel, section line quarter section line, or other survey line shall be construed as following such a line.

- C. A boundary indicated as approximately following the corporate boundary line of the Township shall be construed as following such lines.
- D. A boundary indicated as following a shoreline shall be construed as following such shoreline and in the event of change in a shoreline shall be construed as following the actual shoreline.
- E. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
- F. A boundary indicated as parallel to or an extension of a feature indicated in paragraphs A through E above shall be so construed.
- G. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.
- H. All questions concerning the exact location of boundary lines of any zoning district not clearly shown on the Official Zoning Map shall be determined by the Zoning Board of Appeals consistent with the intent and purpose of the Ordinance.

Section 6.16 – Application and Interpretation of Regulations

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting the public health, safety, and general welfare and shall be uniform for each permitted or approved use of land or building, dwelling and structure throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this ordinance, the Zoning Board of Appeals shall have power in passing upon appeals to vary or modify any rules, regulations or provisions of this Ordinance so that the intent and purpose of this Ordinance shall be observed, public safety secured and substantial justice done, all in accordance with the provisions of Article No. 4 of this Ordinance and Public Act 110 of 2006 as amended.

Section 6.17 – Scope of Regulations

- A. Except as may otherwise be provided in Article No. 4, herein every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building or structure shall be located.
- B. All buildings and structures, unless otherwise specified in this Ordinance, shall meet all the requirements of the Construction Code whenever applicable.
- C. Uses are permitted by right only if specifically listed as principle permitted uses in the various zoning districts or is similar to such listed uses. Accessory uses are permitted as listed in the various zoning districts or if similar to such listed uses, and if such uses are

clearly incidental to the permitted principle uses. Special uses are permitted as listed or if similar to the listed special uses and if the required conditions are met.

- D. All uses, buildings, and structures shall conform to the area, placement, and height regulations of the district in which located, unless otherwise provided in this Ordinance.
- E. No part of a yard, or other open space, or off-street parking space or loading space required about or in connection with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking lot or loading space similarly required for any other use, building or structure.
- F. No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area less than the minimum requirements set forth herein.
- G. No lot, out lot or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with the Zoning and Subdivision Control Act of 1967 as amended by Public Act 87 of 1997.

Section 6.18 – Conformance to Other Public Laws, Rules and Regulations

All uses of land, building or structures shall conform to all applicable local, county, state and federal laws, rules and regulations that have been promulgated and administered by the respective responsible public agency or official as well as the provisions of the Zoning Ordinance.

Section 6.19 – Conflicting Regulations

Whenever there is a difference between minimum or maximum standards, dimensions, or other provisions in this Ordinance, or those contained in lawfully adopted county, state, or federal or other governmental agency rules, regulations, ordinances or laws, the most liberal interpretations of the most restrictive or the one imposing the most desirable standard shall prevail.

Section 6.20 – Zoning – Not a Vested Right

The fact of any portion of the written text or districting on the map of this Zoning Ordinance is a function of the lawful use of the police power and shall not 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 in this Ordinance, and are subject to possible future change, amendment or modification as may be necessary to the present and future protection of the public health, safety and welfare of the Township.

Section 6.21 – Site Plan Review Procedure

All uses permitted under the provision or consequence of this Zoning Ordinance, applying for a Zoning permit, shall follow the requirements of Article SEVEN “Site Plan Review”, except that all farm dwellings, farm buildings and single family homes located on single lot or parcel shall only be required

to submit a site plan, prepared in accordance with those relative portions of Article SEVEN, “Site Plan Review”, and submitted with the application for a zoning permit.

Section 6.22 – Zoning Permits in Relation to Building Permits

Prior to the issuance of any Building Permit in the Township, it shall be necessary for any applicant for construction under the provisions of the Construction Code Ordinance to first apply for and obtain a zoning permit from the Zoning Administrator of the Township in accordance with the provisions of this Zoning Ordinance.

Section 6.23 – Permitted Zoning District Uses and Other Provisions

Each Zoning District and the uses it permits are designed to represent separate categories of compatible land uses. However, regulations controlling other Articles in this Zoning Ordinance may also appropriately apply, including those provisions included in Article No. 18, “Supplemental Regulations”; Article No. 17 “Nonconforming Land”, Building and Structural Uses”; Article No. 19 “Off-Street Parking, Loading and Unloading Requirements”; Article No. 20, “Sign Regulations”; and Article No. 7 “Site Plan Review”. Applicants for zoning permits should relate their request to both the appropriate zoning district as to use and the above Articles for applicability.

Section 6.24 – Uses Not Specifically Listed in the Permitted or Special Use Sections of the Respective Zoning Districts

It is the intent and purpose of this Zoning Ordinance to limit the permitted and special land uses and activities to those specifically included in the respective Zoning Districts. Any uses not listed shall be added only by the Zoning Amendment procedure as required in Article No. 5, “Amending the Zoning Ordinance”

Section 6.25 – Continued Conformance with Regulation

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, wall, clear vision areas, parking and loading spaces, signs and all other requirements for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or use is located.

Section 6.26 – Wetland Development

All “Wetland Area” in the Township as designated by the Michigan Department of Environmental Quality (DEQ) shall be required to meet the provisions of this Ordinance and the provisions of Public Act 203 of 1979, as amended, “The Wetland Protection Act” and any rules promulgated by the Department of Environmental Quality.

Section 6.27 – Conformance of Lots and Parcels to the Subdivision Control Act

All uses permitted in any district shall be located on lots or parcels of land subdivided in accordance with the provisions of Public Act 288 of 1967, as amended, “The Subdivision Control Act” and the Subdivision Regulations of the Township adopted and in effect at this time.

ARTICLE SEVEN

Site Plan Review Procedure

Section 7.01 – Purpose

The purpose of this Article is to establish uniform requirements of procedure for all developments in the Township so that the provisions of this Zoning Ordinance can be equitably and fairly applied to all persons seeking to add to the existing development; so that both those developing property and responsible Township Officials can be assured that compliance with the Zoning Ordinance is both possible and correct prior to the issuance of a Zoning Permit and the starting of construction.

Section 7.02 – Developments Requiring Site Plan Approval

The following land, building and structural uses require “Site Plan Approval”.

- A. All principle and special uses and their accessory uses in the MFR, NSC, CSC, and I Districts.
- B. All special uses and their accessory uses in all districts.

Section 7.03 – Developments not Requiring Site Plan Approval

- A. Single family homes and their accessory uses in the RD, AG, R-1, R-2, and R-3 Districts.
- B. General or specialized farming and their accessory uses and roadside stands in the RD, AG, R-1, R-2 and R-3 Districts, but not including all other principle and special uses and their accessory uses permitted in RD, AG, R-1 and R-2 Districts.

Section 7.04 – Role of the Zoning Administrator

The Zoning Administrator shall not issue a Zoning Permit for construction of , or addition to, any use until a final site plan has been approved by the Township Board and is in effect. A use of land requiring site plan review and approval, not involving a building or structure, shall not be commenced or expanded until a final site plan has been approved by the Township Board and a Zoning Permit has been issued for it.

Section 7.05 – Site Plan Approval Required Prior to Starting Construction or Use of Land

No grading, removal of trees or other vegetation, land filling or construction of improvements shall commence for any development which requires site plan approval, until a final site plan is approved and is in effect, except as provided in this Article.

Section 7.06 – preliminary Conference on Proposed Site Plan

An applicant may request in writing to appear before the Planning Commission for the purpose of reviewing and discussing a proposed preliminary site plan for the purpose of determining the feasibility of the project which the site plan represents. The request may be put on the agenda of a regularly scheduled meeting or on the agenda of a special meeting at the request of the applicant who shall pay the established fee for such a special meeting and have application submitted at least ten (10) days prior to scheduled meeting.

Section 7.07 –Preliminary Site Plan Requirements

A. Application

Any person may file a request for preliminary site plan approval by filing required forms with the Township Clerk, payment of the review fee, and at least eight (8) copies of a preliminary site plan drawing(s) and other documents. Upon receipt of such application, the Clerk shall transmit the preliminary site plan drawing (s) and other documents to the Zoning Administrator for review and forwarding to Planning Commission.

B. Information Required for Review

Every preliminary site plan submitted under this Article shall contain information required by Township regulations for site plan review as contained in Section **15.04**

C. Planning Commission Action

The Planning Commission shall study the plan and shall, within sixty (60) days of the filing date, recommend the approval with conditions or approve or denial of the preliminary site plan to the Township Board. If denial is recommended the Planning Commission shall prepare a report setting forth the conclusions of its study and the reasons for its denial. The time limit may be extended upon a written request by the applicant and approved by the Planning Commission, or by mutual written agreement between the Planning Commission and the applicant.

D. Effect of Approval

Approval of a preliminary site plan by the Township Board shall indicate its acceptance of the proposed layout of buildings, road and drives, parking area, and other facilities and areas, and of the general character of the proposed development. The Township Board may, with appropriate conditions attached, authorize issuance of grading permit by the Zoning Administrator on the basis of an approved preliminary site plan. The conditions to be attached to a permit issued for grading and foundation work may include but not necessarily be limited to, provisions for control of possible erosion, for excluding the Township from an liability, if an acceptable plan is not provided, and for furnishing a financial guarantee for restoration of the site if work does not proceed. Site plan approval requires that the applicant meet all of the requirements of the Michigan “Soil Erosion and Sedimentation Control Act”, Public Act 347 of 1972, MCL 282.101 et seq.

E. Expiration and Extension of Approvals

Approval of a preliminary site plan shall be valid for a period of six (6) months from the date of approval and shall expire and be of no effect unless an application for final site plan approval is filed with the Township Clerk within that period. A six (6) month extension may be granted upon written request of the applicant and approval of the Township Board. The approval of the preliminary site plan shall also expire and be of no effect one year after approval of a final site plan, unless a Zoning Permit has been obtained for development shown on the approved final site plan within that time period.

Section 7.08 Final Site Plan Requirements

A. Application

Following approval of a preliminary site plan, the applicant shall submit seven (7) copies of a final site plan as well as other data and exhibits hereinafter required to the Township Clerk, the review fee, and a completed application form. The Clerk, upon receipt of the application, and special meeting fee, shall promptly transmit the final site plan to the Planning Commission.

B. Information Required for Review

Every final site plan submitted for review under this Article shall contain information as required by Township regulations for site plan review.

C. Planning Commission Action

The Planning Commission shall study the final site plan and shall within sixty (60) days of the date of the Planning Commission meeting at which the plan was received, recommend approval, approval with conditions or denial of the final site plan. This time limit may be extended upon written request by the applicant and approval by the Planning Commission, or by mutual written agreement between the Planning Commission, or by mutual written agreement between Planning Commission and the applicant. The Commission may suggest and/or require changes in the plan as are needed to comply with the Zoning Ordinance.

Upon Township Board approval of the final site plan, the applicant and owner (s) of record, and the Township Clerk or the designated replacement, shall sign the approved plan. The Township Board shall transmit one (1) signed copy of the approved final site plan to the Zoning Administrator, Township Clerk and to the applicant. One (1) copy shall be submitted to the Planning Commission.

If the final site plan is disapproved, the Township Board shall notify the Township Clerk, in writing, of such action and reasons.

D. Effect of Approval

Approval of a final site plan authorizes issuance of a Zoning Permit. Approval shall expire and be of no effect six (6) months following approval by the Township Board, whichever is specified in specific Sections of this Ordinance, unless a Zoning Permit is applied for and granted within that time period. Approval shall expire and be of no effect

one (1) year following the date of issuance of a zoning permit unless authorized construction has begun on the property in conformance with the approved final site plan.

Section 7.09 – Criteria for Site Plan Review

In reviewing a preliminary or final site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with the regulations and objectives of this Ordinance and shall endeavor to assure that they conform to the following criteria:

- A. **Preservation of Natural Environment**
Proposed uses and structures shall be preserved in their natural state, in so far as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of adjacent and surrounding uses and development.
- B. **Relations of Proposed Land Building and Structural Uses to Environment**
Proposed uses and structures shall be related harmoniously to the natural environment and to existing uses and structures in the vicinity that have a visual relationship to the proposed development. The achievement of such relationship may include the enclosure of space in conjunction with existing uses and structures or other proposed uses and structures and the creation of special arrangements and focal points with respect to functional areas, avenues of approach, terrain features or other structures.
- C. **Drives, Parking and Circulation**
Vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not adversely affect the design of proposed land, buildings and structures and adjacent and surrounding development areas.
- D. **Surface Water Drainage**
Special attention shall be given to proper site surface drainage so that the flow of surface waters will not adversely affect adjacent and surrounding properties or the public storm drainage system. If necessary, storm water shall be removed from all roofs, canopies and paved areas and carried away in an underground piped drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create impounded water on the paved areas.
- E. **Utility Service**
Electric power and telephone distribution lines shall be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relation to adjacent properties and the site. The proposed method of sanitary sewage disposal from all buildings shall be indicated. All utility installation shall be carried out in

accordance with the Standard Rules and Regulations of current adoption of the Michigan Public Service Commission.

F. Advertising Features

The size, location and lighting of all permanent signs and outdoor advertising structures or features, shall be consistent with the requirements of Article TWENTY “Sign Regulations”.

G. Special Features

Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing natural and developed environment of adjacent and surrounding properties.

H. Additional Requirements

All other standards and requirements of this Article must be met by site plans presented for review.

Section 7.10- Modifications of Procedure

An applicant may, at his or her discretion and risk, combine a preliminary and final plan in application for approval. In such a situation, the portion and review process concerning preliminary site plan application and review may be waived by the Planning Commission. The Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan where, in its opinion, the complexities and/or scale of the site of the proposed development so warrants.

Section 7.11 – Amendment of an Approved Site Plan

A site plan may be amended upon application and in accordance with the procedure provided in s Section 7.01 herein, for a preliminary site plan, and Section 7.08 herein, for a final site plan. Minor changes in a preliminary site plan may be incorporated in a final site plan without amendment to the approved preliminary site plan at the discretion of the Township Board. The Township Board shall have the authority to determine if a proposed change requires an amendment to the approved site plan.

Section 7.12 – Modifications During Construction

All improvements shall conform to the approved final site plan. If the applicant chooses to make any changes in the development in relation to the approved final site plan, he or she shall do so at his or her own risk, without any assurance that the Township Board will approve the changes. It shall be the responsibility of the applicant to notify the Zoning Administrator and the Township Board in writing of any such changes. The Zoning Administrator or the Township Board may require the applicant to correct the changes so as to conform to the approved final site plan.

Section 7.13 – Phasing of Development

The applicant may, at his or her discretion, divide the proposed development into two (2) or more phases. In such case, the preliminary site plan shall clearly indicated the location, size, and character of each phase. A final site plan for each phase shall be submitted for approval.

Section 7.14 – Inspection

All sub grade improvements, such as utilities, sub-base and base installations for drives and parking lots, and similar improvements shall be inspected by the Zoning Administrator and approved prior to covering. The Zoning Administrator shall be responsible for the inspection of all improvements for conformance to the approved final site plan. The applicant shall be responsible for requesting the necessary inspections. The Zoning Administrator shall notify the Township Board, in writing, when a development for which a final site plan was approved which does not pass inspection with respect to the approve final site plan, and shall advise the Board of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Township of progress towards compliance with the approved final site plan, and when compliance is achieved. The fee schedule established by the Township Board shall include a special schedule of fees to cover large and costly projects so as to adequately cover the cost of the Township inspections of such projects as required under the provisions of this Ordinance.

Section 7.15 – Fees

Fees for the review of site plans and inspections as required by this Article shall be established, and may be amended, by resolution of the Township Board, upon the recommendation of the Planning Commission.

Section 7.16 – Performance Guarantees

Bonds or other acceptable forms of security may be required of the applicant after a final site plan is approved and prior to issuance of a Zoning Permit for certain site improvements such as, but not limited to, roads or drives, parking lots, grading, landscaping, and buffers. A schedule for such security shall be established by resolution of the Township Board upon the recommendation of the Planning Commission, and shall be administered by the Township Treasurer and Clerk. Such security may be released in proportion to work completed and approved upon inspection as complying with the approved final site plan. In the event that the applicant shall fail to provide improvements according to the approved final site plan, the Township Board shall have the authority to have such work completed, and to reimburse itself for costs of such work by appropriating funds from the deposited security, or may require performance by the bonding company.

Section 7.17 – Violations

The approved final site plan shall regulate development of the property. Any violation of this Article, including any improvement not in conformance with an approved final site plan, shall be deemed a violation of this Article, and shall be subject to the penalties of this Ordinance.

ARTICLE EIGHT

RD – Resource Development District

Section 8.01 – Purpose

The purpose of this District is to provide for the arrangement of land uses that are comparable with the conservation and preservation of large tracts of land presently having a most desirable natural environment that should not be disturbed, except minimally, for natural habitat for wildlife, native, flora, natural water features including extensive wetlands and higher water table soils, and other extensive land uses which retain the natural character of the area. Single family homes on exceptionally large lots will be provided for if the spacing of such homes is great enough to adequately handle on-site septic tanks and wells. This area will normally remain unserved by public sewer and water systems.

Section 8.02 – Permitted Principle Uses

- A. Existing types of farming and related agricultural operations may continue and the same types of farming may be established in new locations within the District on at least ten (10) acres of contiguous land and developed in accordance with the relevant provisions of the “AG” District.
- B. Non-farm single family dwellings, on at least ten (10) acres of contiguous land which can accommodate on-site septic tanks and wells which meet the approval of the County Health Department.
- C. Those uses permitted under the provisions of (1) Public Act 203 of 1979, “The Wetland Protection Act”, (2) Public Act 245 of 1929, “The Water Resources Conservation Act” (those Sections specified to flood plains), and (3) Public Act 346 of 1972, “The Inland Lakes and Streams Act”.
- D. Public and private conservation areas, including necessary structures, to assure the preservation of water soil, forest, wildlife, minerals, and open space, which are of at least twenty (20) contiguous acres of land.
- E. State licensed residential foster care facilities housing six (6) or less persons.
- F. Multi-family residential shall be permitted in Resource Development District. They must comply with all requirements in 11.06.

Section 8.03 – Permitted Principle Special Uses with Conditions

The following special uses of land, buildings and structures are permitted, subject to the provisions of Article FIFTEEN, “Special Uses”.

A. Permitted Special Uses

1. Public and private areas for nature study, forest preserves, hunting and fishing reservations, game refuges, fishing, boating, and other water related activity sites, non-intensive recreation facilities related to the natural environment, organized and organizational camping and campgrounds which are located on an area of at least twenty (20) contiguous acres of land.
2. Public and private areas to preserve natural open space, natural vistas, geological features, archeological sites and other significant natural and historical features and sites which are located on an area if at least twenty (20) contiguous acres of land.
3. Public and private cemeteries which are located on an area of at least twenty (20) contiguous acres of land. Pet cemeteries shall be located on at least ten (10) acres.
4. Public and private area for golf courses, parks, playgrounds, resorts, recreation vehicle parks, and swimming and court game clubs which are located on at least forty (40) contiguous acres of land.
5. Electronic receiving, transmitting and relay facilities located on an area of land which has its minimum area determined by having the minimum distance in all direction from the perimeter of the base of the tower to the nearest property line at least equal to the height of the tower. The tower shall be enclosed by an open air fence of at least six (6) feet in height.
6. Extraction of sand, gravel, rock and minerals which are located on at least ten (10) contiguous acres of land planned, operated and maintained in accordance with Article **FIFTEEN** "Special Uses" and specifically Section **15.15**

Section 8.04 – Permitted Accessory Uses

- A. Buildings and structures customarily incidental to the operation of a principle use permitted in this District.
- B. Signs related to the permitted principle uses in the District, provided that all such signs shall conform to the requirements of Article **TWENTY**, "Sign Regulations".
- C. Home occupations normal and appropriate to the skills of the occupants of the principle use located on a lot or parcel in this District as conditioned by Section 16.13.

- D. Private residential pools as conditioned by Section 16.12 located on the same lot or parcel with the principle residential structure.
- E. Farm implement repair and maintenance in conjunction with farming or other principle agricultural use located on the same parcel.
- F. Herbicide, insecticide, and fertilizer sales and application in conjunction with a farming or other principle agricultural use located on the same parcel.
- G. Grain, feed, cold and other storage of agricultural products in conjunction with farming or other principle agricultural use located on the same parcel.
- H. Sale of seed and other product sales in conjunction with farming or other principle agricultural use located on the same parcel.

Section 8.05 – Permitted Accessory Uses with Conditions

A. Roadside Stands

In the RD District each farm may have one (1) roadside stand for the purpose of selling produce or other products principally raised or produced on that farm in the course of it's permitted agricultural activity. The stand shall be located and constructed to meet the following requirements:

- 1. The structure shall not be more than one (1) story in height.
- 2. The floor area shall not be more than four hundred (400) square feet.
- 3. The stand shall be located no closer than ten (10) feet from the nearest road right-of-way. In no case, shall the stand occupy any part of the right-of-way.

B. Mobile Homes as Accessory Dwellings

- 1. Permitted on forty (40) acres or more of land used for agricultural production with the following conditions:
 - a. The parcel has a principle farm dwelling located on it.
 - b. The farm parcel is at least forty (40) acres in area for the first mobile home, and an additional forty (40) acres for each additional mobile home.
- 2. The above shall also meet the following additional conditions:
 - a. Mobile homes used for this purpose shall be limited to only one (1) per each forty (40) acres of farm parcel.
 - b. Mobile homes used for this purpose shall have immediate and unlimited access to all facilities located in the principle dwelling on the farm for the maintenance of proper health and sanitation, including potable water and sanitary disposal facilities for solid and liquid wastes.
 - c. All accessory mobile homes shall be located within the appropriate setback line for the yard in which they are located, except than no

accessory mobile home shall be located in the front yard of a principle dwelling.

- d. Zoning permits shall be approved by the Planning Commission and reviewed annually thereafter for continued need and compliance.
- e. Zoning permits issued for such use shall terminate at such time that any one or combination of the above conditions cease to be met.
- f. A performance guarantee of five hundred (500) dollars shall be deposited with and payable to the Township as a condition of approval and is to be kept in force and held by the Township for as long as the mobile home is needed and removed, or it is used for the purpose of removing the mobile home.

Section 8.06 – Dimensional Requirements

A. Lot Area

A permitted parcel shall have a minimum of ten (10) acres in area, except as otherwise may be provided in this Ordinance.

B. Lot Width

Minimum of three hundred thirty (330) feet at the required building setback line.

C. Lot Coverage

Maximum of twenty (20) percent.

D. First Floor Area

The minimum first floor area of a one (1) story dwelling 720 square feet, and for a two (2) story dwelling 500 square feet, and a minimum total of 720 square feet for both stories, with a minimum width of 20 feet on all waterfront properties.

E. Yard and Setback Requirements

1. **Front Yard**

Minimum of thirty (30) feet from the road right-of-way.

2. **Side Yard**

Minimum of fifteen (15) feet for each side yard, measured from lot line to nearest point of structure, where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet.

3. **Rear Yard**

Minimum of fifty (50) feet.

F. Height Limitations

Maximum of thirty-five (35) feet for all dwellings and a maximum of twenty-five (25) feet for all buildings accessory to dwellings; a maximum of forty-five (45) feet for all agricultural buildings, except for grain elevators, silos, and windmills which shall not exceed 120 feet in height.

ARTICLE NINE

AG – Agricultural District

Section 9.01 – Purpose

The purpose of this district is to provide for the compatible arrangement and development of parcels of land for building purposes in a pastoral, agricultural, woodland or open land setting, which will remain unserved by public water distribution and wastewater disposal systems in the foreseeable future, but which are suitable for large lot residential purposes, which can accommodate healthful on-site water supply and wastewater disposal, but which reserves and conserves that land which is most adaptable for present and future agricultural, woodland, natural resource and other extensive land uses.

Section 9.02 – Permitted Principle Uses

Permitted Principle uses in A through M shall be a minimum of ten (10) acres in area. Permitted Principle uses in N through Q shall have a minimum of three (3) acres in area.

- A. General farming.
- B. Field crop, fruit, vegetable, horticultural, maple sugar production, lumber, worm farming, sod farming, and similar types of specialized farming.
- C. Greenhouses and nurseries for trees, shrubs, and plants.
- D. Raising and keeping of cattle, horses, ponies, sheep, goats, swine, and similar livestock.
- E. Raising and keeping of rabbits, poultry, fowl, and similar small animals.
- F. On-site production and consumption of food for animals.
- G. Aviaries.
- H. Hatcheries.
- I. Public and semi-public building for the housing of public facilities, utilities, and services.
- J. Public and private conservation areas and structures for water, soil, forest, wildlife, minerals, and open space.
- K. Public and private conservation areas for golf courses, golf driving ranges, country clubs, miniature golf courses, historical places, parks, playgrounds, beaches, resorts, swimming pool and court game clubs, organized and organizational camping and RV parks.

- L. Public areas for forest preserves, game refuges, and similar uses.
- M. Cemeteries, public, private, or pet.
- N. Conventional and manufactured single family dwellings.
- O. State licensed residential foster care facilities housing six (6) or less persons.
- P. Duplexes, as permitted principle use under the condition that they be new construction or existing structure cannot be modified more than 50% of the total square footage; also be allowed in all districts that allow residents subject to lot size limitation of 200 x 200 lot
- Q. Multi-family residential shall be permitted in the Agricultural District. They must comply with all requirements 11.06, 12.03, and 12.05.

Section 9.03 – Permitted Principle Special Uses with Conditions

The following special uses of land, building and structures are permitted, subject to the provisions of Article FIFTEEN, “Special “Special Uses”.

A. Outdoor Kennels for Dogs

1. All dog kennels shall be operated in conformance with all applicable county, state and federal regulations; permits being valid no longer than one (1) year.
2. For dog kennels, the minimum lot size shall be one (1) acre for up to six (6) dogs and an additional one-sixth (1/6) acre for each one (1) additional dog.
3. Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than 100 feet to any occupied dwelling or any building on an adjacent parcel used by the public and shall not be located in any required front, rear or side yard setback area.
4. Such facilities shall be under the jurisdiction of the Planning Commission, and subject to other conditions and requirements or said body deemed necessary to insure against the occurrence of any possible nuisance by requiring necessary minimum distances, berms, fencing, soundproofing, and sanitary requirements.

B. Commercial Receiving, Transmitting and Relay Facilities

1. The minimum lot size shall be three (3) acres.
2. The lot shall be so located that at least one (1) property line or its only access is from a public thoroughfare and the ingress and egress shall be directly upon said thoroughfare.

3. The front yard setbacks and side and rear yards for each tower from adjacent right-of-ways and/or property lines shall be not less than one and one-quarter (1.25) times the height of each tower above the ground.
4. Unless specifically waived by the Planning Commission, an open air fence four (4) feet or more in height shall be constructed on the boundary property lines.
5. Construction plans shall be approved by an engineer licensed by the State of Michigan.

C. Agribusiness

1. Permitted Special Uses

- a. Agricultural products, production and processing operations.
 - b. Auction for livestock.
 - c. Bulk feed and fertilizer outlets and distribution centers.
 - d. Farm machinery, sales, service, rental and repair.
 - e. Grain elevators for storage, drying and sales.
 - f. Grain and livestock truck and cartage facilities.
 - g. Greenhouses and nurseries.
 - h. Riding Stables.
 - i. Sawmills.
 - j. Seed dealership outlets and distribution centers.
 - k. Veterinary hospitals, clinics and indoor kennels.
2. An agribusiness shall be buildings, structures, lots parcels or parts thereof, which provide services, goods, storage, transportation or other activities directly related to the production of agricultural commodities. Permitted agribusiness's are listed below with the following conditions:
- a. Minimum lot or parcel area shall be five (5) acres and minimum road frontage shall be 300 feet, except as otherwise required for specific uses listed.
 - b. All agribusiness uses shall be located at least 250 feet from all RD, AG, R-1, R-2, and MFR zoning district boundary lines, and existing residential structures located on adjacent properties.
 - c. All agribusiness uses shall meet the requirements of the State and County health departments for water supply, liquid and solid waste disposal and other applicable health and sanitation requirements.

D. Permitted Public and Private Institutions for Human care, Religion, Education and other Human Social Purposes

1. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate zoning district area shall have at least one (1) property line abutting a paved impermeable hard surface public road.
2. Front, side and rear yard shall be set back at least fifty (50) feet, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures

permitted in these yards, except required entrance drives and those walls used to screen the use from abutting residential lots and parcels.

- E. **Private Air Strips**- See Article Fifteen “Airports”
- F. **State Licensed Child Day Care Centers**
See Article Fifteen “Special Uses”
- G. **Mining Operations** (added 3/21/2018)
 - 1. Extraction of sand, gravel, rock and minerals which are located on at least ten (10) contiguous acres of land planned, operated and maintained in accordance with Article **FIFTEEN** “Special Uses” and specifically Section **15.15**.

Section 9.04 – Permitted Accessory Uses

- A. Buildings and structures customarily incidental to the operation of a principle agricultural or other use permitted in the AG× District.
- B. Building and structures customarily incidental to single family residential dwellings.
- C. Signs related to permitted uses, provided that all such signs shall conform to the requirements of Article TWENTY.
- D. Home occupation types of agricultural commercial enterprises, including, but not limited to seed, feed and other product sales.
- E. Private residential pools as conditioned by Section SIXTEEN 16.12.
- F. Farm implement repair and maintenance.
- G. Herbicide, insecticide and fertilizer sales and application.
- H. Greenhouses and nurseries.
- I. Grain and feed storage facilities.
- J. Cold storage and other storage facilities for agricultural products.
- K. Customary non-farm home occupations, as conditioned by Section **EIGHTEEN, 18.13**

Section 9.05 – Permitted Accessory Uses with Conditions

- A. **Roadside Stands**
In the AG District each farm may have one (1) roadside stand for the purpose of selling produce or other products principally raised or produced on that farm in the course of it’s

permitted agricultural activity. The stand shall be located and constructed to meet the following requirements:

1. The structure shall not be more than one (1) story in height.
2. The floor area shall not be more than 400 square feet.
3. The stand shall be located no closer than forty (40) feet from the nearest road right-of-way line. In no case, shall the stand occupy any part of the right-of-way.

B. Mobile Homes as Accessory Dwellings

Sections 1., 2. And 3. Deleted 8/19/09

1. Refer to Section 15.10 (added 8/19/09)

Section 9.06 – Dimensional Requirements

A. Lot Area

A permitted parcel shall have a minimum of three (3) acres in area, except as otherwise may be provided in this Ordinance.

B. Lot Width

Minimum of 330 feet at the required building setback line.

C. Lot Coverage

Maximum of twenty (20) percent.

D. First Floor Area

The minimum first floor area of a one (1) story dwelling is 720 square feet, and for a two (2) story dwelling 500 square feet, and a minimum total of 720 square feet for both stories, with a minimum width of 20 feet on all waterfront properties.

E. Yard and Setback Requirements

1. Front Yard

Minimum of thirty (30) feet from the road right-of-way.

2. Side Yards

Minimum of twenty (20) feet for each side yard, measured from lot line to nearest point of building or structure, where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet.

F. Height Limitations

Maximum of thirty-five (35) feet for all dwellings and a maximum of twenty-five (25) feet for all buildings accessory to dwellings; maximum of forty-five (45) feet for all agricultural buildings, except for grain elevators, silos, and windmills which shall not exceed 120 feet in height.

ARTICLE TEN

Single Family Residential District

Section 10.01- Purpose

The purpose of this Single Family Residential District is to provide for single family residential uses at reasonable densities (densities to be defined as Low (R-1), Medium (R-2) and High (R-3). Further to provide for single family housing neighborhoods free from other uses, except those which are (1) normally accessory to and (2) compatible with, supportive of and convenient to the various types and compositions of families living within such residential land use areas. The size of lots and parcels should be planned to be of such area and width so that they can sustain healthful and sanitary on-site water supply and wastewater disposal. It is further the purpose to require lot areas large enough to protect Township ground waters from excessive pollution due to over-concentration of septic tank systems, particularly in areas adjacent to water bodies and in inland lake areas where groundwater needs to be protected because of on or off-site human use. In high density neighborhoods lots and parcels should be planned to be of such area and width to require each site to have a direct connection to a sanitary sewer system.

Section 10.02-Permitted Principle Uses

- A. Single family dwellings of conventional or manufactured construction.
- B. Existing types of agricultural land, building and structural uses, provided they meet the AG District requirements.
- C. State licensed residential foster care facilities housing six (6) or less persons in R-1, R-2, & R-3
- D. Duplexes, as permitted principle use under the condition that they be new construction or existing structures cannot be modified more than 50% of the total square footage, also be allowed in all districts that allow residents subject to lot size minimum of 200 x 200 feet as measured by minimum lot dimensions(9/17/08). Duplexes shall not be allowed in R-3. (rev 9/15/10)

Section 10.03 - Permitted Principle Special Uses with Conditions

The following special uses of land, buildings and structures are permitted subject to the provisions of Article, "Special Uses":

- A. Permitted Special Uses
 - 1. Public buildings
 - 2. Public recreational playgrounds
 - 3. Non-profit recreation areas
 - 4. Religious institutions
 - 5. Educational and social institutions

6. Golf courses and country clubs
 7. State licensed child care centers
- B. Above permitted uses subject to the following requirements
1. The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting an impervious hard surface paved road, and the site shall be so planned as to provide all access directly to said road.
 2. In high density neighborhoods Front, side and rear yards shall be setback at least fifty (50) feet and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and walls used to screen the use from abutting residential lots and parcels
 3. Shall meet off-street parking and all other applicable requirements of this zoning ordinance.

Section 10.04 – Permitted Accessory Uses

- A. Normal existing accessory uses to single family housing and existing agricultural uses, and those additional normal waterfront accessory uses and activities, such as docks, wharves, beaches, beach equipment and apparatus, boat house, boat moorings beach shelters, cabanas or small (200 sq ft or less) bathhouse and other existing or typical waterfront accessory uses, with the additional approval of the Michigan Department of Environmental Quality or other public agencies when required.
- B. Normal accessory uses to permitted and approved “Special Uses”, and those normal, typical and existing types of waterfront accessory uses and activities specific to approved “Special Uses” with the additional approval of the Michigan Department of Environmental Quality or other public agencies when required.
- C. Customary home occupations, as conditioned by Section **18.13**

Section 10.05 – Permitted Accessory Uses with Conditions

- A. Private pools for use as part of a single family dwelling in conformance with the provisions of Section **EIGHTEEN**

Section 10.06 – Dimensional Requirements

- A. **Lot Area**
 1. R-1 Low Density – Minimum to 20,000 square feet with public or common sewer and water. Minimum of one (1) acre, if lot or parcel does not have public sewer or water available and on-site water supply and wastewater disposal systems are both permitted and approved by the County Health Department.

2. R-2 Medium Density – Minimum of 15,000 square feet with public or common sewer and water. Minimum of one acre, if lot or parcel does not have public sewer or water available and on-site water supply and wastewater disposal systems are both permitted and approved by the County Health Department.
3. R-3 High Density – Minimum of 10,000 square feet with public or common sewer and water or on-site water supply and wastewater disposal system, both permitted and approved by the County Health Department

B. Lot Width

1. R-1 Low Density –Minimum of 150 feet at the building setback line.
2. R-2 Medium Density – Minimum of 100 feet at the building setback line.
3. R-3 High Density – Minimum of 70 feet at the building setback line.(Rev. 08/19/09)

C. Lot Coverage

1. Lot coverage for all residential areas is maximum of 30%

D. First Floor

The minimum first floor area of a one (1) story dwelling 720 square feet, and for a two (2) story dwelling 500 square feet, and a minimum total of 720 square feet for both stories with a minimum width of 20 feet on all waterfront properties.

E. Yard and Setback Requirements

1. Front Yard

Minimum of twenty-five (25) feet from the road right-of-way line, except as otherwise required in Section 6.10. Twenty-five (25) foot setback from lot line on waterfront unless a greater setback from the waterline is required by the Michigan Department of Natural Resources or other public Agencies.

2. Side Yard

Minimum of 10% or six (6) feet whichever is least for one side and ten (10) feet on the other side. Measured from lot line to nearest point of building or structure. Where a side yard abuts a road end or dead end side set back shall be ten (10) feet, if a road right-of-way it shall be thirty (30) feet.

3. Rear Yard

Minimum of twenty-five (25) feet required on all waterfront lots and twenty-five 25 feet for R-1, R-2 and R-3

F. Height Limitations

Maximum of thirty-five (35) feet for residential structures; a maximum of twenty-five (25) feet for all residential related accessory structures.

ARTICLE ELEVEN

MFR – Multiple Family Residential District Requirements

Section 11.01 – Purpose

The purpose of this district is to provide a relatively small and less expensive type of housing, as well as a broader range of choice of housing types to people who desire to live in the Township in condominium, owner or rental units, and their normal accessory uses which are compatible, supportive or convenient to the residents living within such a district. The buildings containing the dwelling units may be in a single or group building arrangements having group use facilities held in common to which all residents have equal access and share equally in the financing or operation and maintenance. These developments will only be allowed to develop if they can be connected to a public sewer and water system or an on-site water and wastewater sanitary septic system, approved by the County Health Department. Except as otherwise specifically provided for in this ordinance, MFR uses shall be allowed in all districts except R-3. All site plans must be approved by the Planning Commission (rev 09/15/10)

Section 11.02 – Permitted Principle Uses

- A. Multiple family dwelling structures, including duplexes, triplexes, quadruplexes, garden apartments, townhouses, and other similar types of multi-family dwelling unit buildings.
- B. Existing single family dwellings.
- C. Duplexes, as permitted principle use under the condition that they be new construction or existing structure cannot be modified more than 50% of the total square footage, also be allowed in all districts that allow residents subject to lot size limitation of 200 x 200 lot.

Section 11.03 – Permitted Principle Special Uses with Conditions

The following special uses of land, buildings, and structures are permitted subject to the provisions of Article FIFTEEN “Special Uses”:

- A. Permitted Special Uses
 - 1. Public Buildings.
 - 2. Public recreational playgrounds.
 - 3. Non-profit recreation area.
 - 4. Religious institutions.
 - 5. Educational and social institutions.
 - 6. Golf courses and country clubs.
 - 7. State licensed child day care centers
 - 8. Senior Citizen Assisted Living Facilities.

- B. Above permitted uses subject to the following requirements:
 1. The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting an impervious hard surface paved road, and the site shall be so planned as to provide all access directly to said road (s), except as otherwise provided in Section **18.18** “Supplemental Regulations”
 2. Front, side and rear yards shall be set back at least seventy-five (75) feet and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to screen the use from abutting residential lots and parcels.

Section 11.04 – Permitted Accessory Uses

- A. Normal accessory uses to multiple family dwelling units.
- B. Customary home occupations in existing single family homes as conditioned by Section **18.13** “Supplemental Regulations”.

Section 11.05 – Permitted Accessory Uses with Conditions

- A. Private pools as a part of the multiple family housing development for use in common by all residents who will finance the operation and maintenance of such facilities in conformance with the provisions of Section **18.12** “Supplemental Regulations”.
- B. Common open space and recreation areas and facilities as a part of the multiple family housing development for use in common by all residents who will be required to finance the operation and maintenance of such facilities.
- C. Drives and off-street parking areas in accordance with Section **11.07 C. and D.**
- D. Recreation, meeting and other group activity facilities located in buildings or as a part of a structure developed as part of the multiple family housing project for the common use and enjoyment by all residents who will be required to operate and maintain such facilities and financed through a non-profit association representing the owners and renters.

Section 11.06 – Dimensional Requirements except as otherwise Specified in this Ordinance

- A. The first multiple family dwelling unit in a residential structure shall occupy a lot or parcel comprising not less one-half (1/2) acre, and meet the requirements of Section **11.07 B.** Each additional multiple family dwelling unit shall require the following additional lot or parcel area:
 1. Efficiency..... 2,000 square feet
 2. One bedroom..... 2,500 square feet

- 3. Two bedroom..... 3,500 square feet
- 4. Three bedroom..... 5,000 square feet
- 5. Four bedroom..... 6,500 square feet
- 6. Extra bedrooms over four..... 1,500 square feet

B. Lot Width

Minimum of 200 feet.

C. Lot Coverage

Maximum of 30%

D. Number of Dwelling Units per Gross Acre

Eight (8) dwelling units.

E. Yard and Setback Requirements

1. Front Yard

Minimum of fifty (50) feet from the road right-of-way line, except otherwise required in Section 11.03 B, 2.

2. Side Yard

Minimum distance equal to the maximum height of the structure, measured from the lot line to the nearest point of the structure except where a side yard abuts a road right- of-way line, the minimum shall be fifty (50) feet.

3. Rear Yard

Minimum of fifty (50) feet.

F. Height Limitations

Maximum of thirty-five (35) feet, except that detached accessory structures shall not exceed twenty (20) feet.

G. Spacing Between Buildings

Shall be at least the height of the highest of the abutting buildings.

H. Floor Area Requirements

Minimum standards for total floor area for each type of multiple family dwelling unit shall be as follows:

- 1. Efficiency..... 450 Square feet
- 2. One bedroom..... 600 Square feet
- 3. Two bedroom..... 750 Square feet
- 4. Three bedroom..... 900 Square feet
- 5. Each additional bedroom..... 150 Square feet

I. Number of Multiple Family Dwelling Units Per Building

To promote the safety of residents of multiple family residences, in terms of fire protection, no multiple family residential structure shall contain more than twelve (12) dwelling units.

Section 11.07 – Location and Site Development Requirements

- A.** All multiple family dwelling units shall be connected to the available common or public water supply system and wastewater sanitary sewer system on a permanent basis.
- B.** Open spaces comprising at least 10% of the total gross area of the project shall be planned and built as a common facility to be used, operated and maintained by the developer or a non-profit association representing the property owners and financed by means of a monthly or annual assessment.
- C.** Ingress and egress shall be provided from an impervious hard surface paved road. Drives shall be located at least twenty (20) feet from any building.
- D.** Off-street parking shall be provided in accordance with Article **NINETEEN** “Off-street Parking” with parking spaces located within 200 feet of an entrance to the building for which the parking is designated. Each dwelling unit shall be provided with at least two (2) parking spaces.
- E.** When a Multiple Family Residential lot or parcel abuts parcels other than those located in an MFR “Multiple Family Residential District”, a twenty-five (25) foot wide buffer shall be provided within the MFR lot or parcel yard. The buffer area shall be bermed and landscaped with trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or other structures permitted in buffer areas, except required entrance drives and those walls, fences or plantings necessary to screen the MFR use from abutting single family residential lots and parcels.
- F.** The outdoor storage of goods, materials, trash or garbage is not permitted, except as provided in Section **18.15**.

ARTICLE TWELVE

NSC – Neighborhood Service Commercial District

Section 12.01 – Purpose

This district has the intent of providing areas retail trade and service outlets can be located in order to satisfy the day needs of the residents in the immediate neighborhood.

Section 12.02 – Permitted Principle Uses

The following uses are permitted as long as the use is conducted completely within an enclosed building:

1. Antique Store
2. Art merchandising studios
3. Bakeries
4. Bait shop
5. Barber and beauty shops
6. Bicycle stores
7. Book and stationary stores
8. Clothing stores
9. Delicatessens
10. Drug stores
11. Dry cleaning and laundry
12. Dry goods and notion stores
13. Educational and social institutions
14. Gift shops
15. Grocery stores
16. Gun shop
17. Hardware and Paint store
18. Jewelry stores
19. Medical and dental offices in complexes which may include:
 - a. Garment and prosthetic appliance store
 - b. Medical, dental and optical laboratories
 - c. Pharmacies
20. Mini-storage (indoor)
21. Multi-family residential, must comply with all requirements in **11.06, 12.03** and **12.05**.
22. Motel and hotel
23. Music stores
24. Novelty shops
25. Office supply stores
26. Offices for:
 - a. Financial institutions
 - b. Insurance

- c. Professionals
- d. Real Estate
- 27. Pet stores
- 28. Photographic studios
- 29. Professional health care service
- 30. Public buildings
- 31. Public service installation
- 32. Religious institutions
- 33. Residence (single family dwelling)
- 34. Restaurants
- 35. Self – service laundry and dry cleaning stores
- 36. Shoe and repair shops
- 37. Sporting goods store
- 38. Toy stores
- 39. Tailor and dressmaker shops
- 40. Variety stores
- 41. Veterinary hospitals
- 42. Miscellaneous:
 - a. Business management consultants
 - b. Business service stores
 - c. Consumer credit reporting agencies
 - d. Mailing and stenographic services

Section 12.03 – Permitted Principle Special Uses with Conditions

- A. Automotive gasoline and service stations in accordance with the provisions of Article **FIFTEEN** “Special Uses” for these uses.
- B. Drive in retail and service establishments in accordance with the provisions of Article **FIFTEEN**, “Special Uses” for these uses.
- C. Planned Shopping Centers in accordance with the provisions of Article **FIFTEEN**, “Special Uses” for a collective grouping of two (2) or more of the principle uses permitted in this district.
- D. MFR District with conditions from Section **11.06** “Dimensional Requirements, Except as otherwise specified in this Ordinance” and Section **11.07** “Location and Site Development Requirements”.

Section 12.04 – Permitted Accessory Uses

- A. Normal accessory uses to all “Permitted Principle Uses”.
- B. Normal accessory uses to all “Permitted Principle Special Uses”.

- C. Customary home occupations in existing single family homes as conditioned by Section 18.13.

Section 12.05 – Dimensional Requirements, Except as Otherwise Specified in this Ordinance

Modified 6/21/2017

The following dimensional requirements shall be met for any use in this district, unless otherwise provided.

	<i><u>With Public sewer</u></i>	<i><u>Without Public sewer</u></i>
Minimum parcel size	25,000 square feet	1 acre
Minimum lot width at setback	150 feet	150 feet
Lot coverage	Maximum 50%	Maximum 50%
Minimum front setback	30 feet	30 feet
Minimum side setback	10 feet	10 feet
Minimum rear setback	15 feet	15 feet
Maximum height	35 feet	35 feet
Max height detached accessory structure	20 feet	20 feet

Planned Shopping Centers shall meet the requirements of Article **FIFTEEN**, “Special Uses” for a collective grouping of two (2) or more of the uses permitted in this district.

A. Location and Site Development Requirements

1. The site shall have at least one (1) property line abutting a major road or highway arterial upon which it fronts and from which it has its most direct vehicular access by means of a frontage access road (s) except as otherwise provided in Section **18.18**.
2. The outdoor storage of goods, materials, trash and garbage is not permitted, except as provided in Section **18.15**.

ARTICLE THIRTEEN

CSC – Community Service Commercial District

Section 13.01 – Purpose

This district has the intent of providing areas wherein retail trade and service outlets can be located which are convenient to the residents of several neighborhoods and the owners, employees, guests and customers of office, other commercial, industrial and agricultural uses and activities in the Township and adjacent municipalities.

Section 13.02 – Permitted Principle Uses

ALL NSC USES

1. Auction houses
2. Auto parts store
3. Automobile service station
4. Bowling alleys, pool halls and mechanical amusement centers
5. Building material stores
6. Car washes
7. Commercial garages
8. Commercial, private or business schools
9. Drive-in business
10. Drive-in Restaurants
11. Farm implement and supply store
12. Fast food restaurants
13. Funeral homes and mortuaries
14. Furniture stores
15. Garden stores
16. Golf driving ranges
17. Greenhouses and nurseries conducted indoors
18. Household appliance stores
19. Indoor kennels
20. Interior decorating shops
21. Miniature golf courses
22. Mini-warehouses, mini-storage (indoor)
23. Motels and hotels
24. New and used automobiles
25. New and used boats
26. New and used campers, recreational vehicles and trailers
27. New and used mobile homes
28. New and used motorcycles
29. Printing and publishing establishments
30. Outside Storage(9/17/08)
30. Public service and utility installations

- 31. Restaurants
- 32. Second-hand stores with no outside storage
- 33. Service and repair shops
- 34. Temporary buildings
- 35. Temporary and transient amusement enterprises
- 36. Theaters, indoor
- 37. Veterinary clinics
- 38. Veterinary hospitals
- 39. Warehouses

Section 13.03 – Permitted Principle Special Uses with Conditions

- A. Planned Shopping Centers in accordance with the provisions of Article **FIFTEEN** “Special Uses” for a collective grouping of two (2) or more of the principle uses permitted in this district.
- B. Automobile parking lots providing they are surfaced with a six (6) inch depth of processed road gravel and maintained in a usable dust free surface condition.
- C. Adult Entertainment Facility in accordance with Article **FIFTEEN**, “Special Uses” **Section 15.19**

Section 13.04 – Permitted Accessory Uses

- A. Normal accessory uses to all “Permitted Principle Uses”.
- B. Normal accessory uses to all “Permitted Principle Special Uses”.
- C. Customary home occupations in existing single family homes as conditioned by Section **18.13**.

Section 13.05 – Dimensional Requirements, Except as Otherwise Specified in this Ordinance

Modified 6/21/2017

The following dimensional requirements shall be met for any use in this district, unless otherwise provided.

	<i><u>With Public sewer</u></i>	<i><u>Without Public sewer</u></i>
Minimum parcel size	25,000 square feet	1 acre
Minimum lot width at setback	150 feet	150 feet
Lot coverage	Maximum 50%	Maximum 50%
Minimum front setback	30 feet	30 feet
Minimum side setback	10 feet	10 feet
Minimum rear setback	15 feet	15 feet
Maximum height	35 feet	35 feet
Max height detached accessory structure	20 feet	20 feet

Planned Shopping Centers shall meet the requirements of Article **FIFTEEN**, “Special Uses” for a collective grouping of two (2) or more of the uses permitted in this district.

A. Location and Site Development Requirements

1. The site shall have at least one (1) property line abutting a major road or highway arterial upon which it fronts and from which it has its most direct vehicular access by means of a frontage access road (s), except as otherwise provided in Section **18.18**.
2. All vehicular ingress and egress shall be from an acceleration and deceleration lane to a frontage access road located parallel and adjacent to the major road or highway arterial upon which it fronts and has its most direct vehicular access.
3. The outdoor storage of goods, materials, trash or garbage is not permitted, except as provided in Section **18.15**.
4. All drives and parking lots shall be surfaced with a six (6) inch depth of processed road gravel and maintained in a useable dust free surface condition.

ARTICLE FOURTEEN

Industrial District

Section 14.01 – Purpose

It is the intent of this district to provide for the development of sites for industrial plants and other commercial uses that do not cater directly to small numbers of individual consumers of goods and services through small retail outlets. That manufacture goods in the form of finished or semi-finished products or the assembly, compounding, or treatment of product parts or ingredients in order to create finished or semi-finished goods for sale to other industrial manufactures, or to bulk or wholesale commercial purchasers. It is the further intent of this district to permit only those industrial manufacturing uses having use, performance or activity characteristics which emit a minimum amount of discernible noise, vibration, smoke, dust, dirt, glare, toxic materials, offensive odors, gases, electromagnetic radiation or any other physically adverse effect to the extent that they are abnormally discernible beyond the lot lines of the parcel or site upon which the industrial activity is located. It is also the intent of the district to provide for transportation and related service facility uses necessary to the transporting, distributing, transferring, handling and warehousing of bulk goods and services.

Section 14.02 – Permitted Principle Uses

The following uses are permitted as long as they are conducted completely within a building, structure or an area enclosed and screened from external visibility beyond the lot lines of the parcel upon which the use is located, except as otherwise provided in this Ordinance.

1. Cement products
2. Commercial garages
3. Commercial free standing towers
4. Contractor's establishment
5. Dry bulk blending plants
6. Electrical and electronic equipment manufacturers
7. Fabricated metal products
8. Grain elevators – storage and retail sales
9. Handling of liquid nitrogen, fertilizer and anhydrous ammonia
10. Jobbing and machine shops
11. Junk yards
12. Meat processing plants
13. Metal planting and finishing
14. Mini-storage (indoor and outdoor)
15. Monument and cut stone manufacturers
16. Outdoor storage
17. Pallet manufacturing
18. Plastic products forming and molding

19. Printing and publishing
20. Processing of machine parts
21. Public service and utility facilities
22. Research and development establishments
23. Sand and gravel operations
24. Sawmills
25. Slaughter houses
26. Solid waste disposal transfer stations
27. Sports equipment manufacturing
28. Storage facilities for building material (indoor and outdoor).
29. Storage or transfer warehouses
30. Temporary buildings
31. Tool manufacturing
32. Trade and industrial schools
33. Truck and rail freight terminals
34. Warehouses, including mini – warehouses
35. Wholesale trade stores
36. Wood products

Section 14.03 – Permitted Principle Uses with Conditions

- A. Planned Industrial Parks in accordance with the provisions of Article **FIFTEEN**, “Special Uses” for the collective grouping of two (2) or more of the principle uses permitted in this district.
- B. Bulk storage and distribution facilities for petroleum and gas products, paints and chemicals.

Section 14.04 – Permitted Accessory Uses

The following uses are permitted when they are an integral part of the building or structure or are included as a part of the site development upon which the principle use is located:

1. Banking
2. Caretakers quarters
3. Child care centers
4. Customary home occupations in existing single family homes, as conditioned by Section **16.13**.
5. Education, library and training facilities
6. Medical and health care facilities
7. Normal accessory uses to all Permitted Principle Uses.
8. Office facilities
9. Recreation and physical fitness facilities
10. Research and experimentation facilities
11. Restaurants
12. Sales display facilities and areas

13. Truck and equipment service, maintenance, repair and storage facilities
14. Warehouse and storage facilities
15. Work clothing sales and service facilities

Section 14.05 – Requirements for All District Uses

A. Access Roads

All uses shall only have vehicular access via a hard surface year-round paved road, including the road system which connects it to the state and federal designated highway routes by means of a frontage access road (s), except as otherwise provided in Section 18.18.

B. Barriers

All development for the permitted uses shall be physically separated from access roads by a curb and a planting strip or other suitable barrier. Such barrier shall effectively prevent un-channeled vehicle ingress or egress, except by approved access ways or driveways.

C. Screening

When adjacent to or across the road from existing residential developments or zoning districts, an industrial use of a lot or parcel shall provide a landscaped greenbelt, wall or screen in accordance with Section 18.22

D. Sewage Disposal

Permitted industrial uses shall be served by a public sewer service or an approved packaged sanitary treatment facility, approved by the County Health Department. All packaged treatment plant facility shall provide a minimum of secondary level treatment and shall meet all other applicable federal, state and local standards and regulations. The effluent from same shall be disposed of in a manner and method which conforms to or exceeds the minimum standards of the State of Michigan Water Resources Commission and the County Health Department. The collection system used in conjunction with a packaged treatment facility shall be located and designed to readily connect into a future public sewer service system without the need for reconstruction of any main or lateral sewer links.

E. Toxic Waste Disposal

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

Section 14.06 – Dimensional Requirements, Except as Otherwise Specified in this Ordinance

A. Lot Area

Minimum of two (2) acres per principle use, except where a lot or parcel is served by a public or common water supply system and a public wastewater sewage and treatment system, in which use the lot or parcel may have a minimum area of 40,000 square feet per principle use.

B. Lot Width

Minimum of 200 feet at building setback line when on-site well water supply and septic tank wastewater disposal systems are used or a minimum of 120 feet at building setback line when public or common water supply and wastewater sewage and treatment systems are directly accessible to the lot or parcel.

C. Lot Coverage

Maximum of fifty (50%) percent

D. Yard and Setback Requirements

1. Front Yard

Minimum of fifty (50) feet from all road or highway right-of-way lines except that the minimum shall be at least eighty (80) feet from M-65 and Esmond Road.

2. Side Yards

Minimum of twenty (20) feet on one (1) side yard and a minimum of thirty (30) feet on the opposing side.

3. Rear Yard

Minimum of twenty-five (25) feet

E. Height Limitation

Maximum of forty (40) feet, except that a detached accessory structure shall not exceed twenty (20) feet, except as otherwise provided in this Ordinance.

F. Location and Site Development Requirements

1. The site shall have at least one (1) property line abutting the major road or highway arterial upon which its fronts and from which it has the most direct vehicular access.
2. All vehicular ingress and egress shall be from an acceleration and deceleration lane connected to a frontage access road located parallel and adjacent to the major road or highway arterial upon which the site fronts and from which the site has its most direct vehicular access.
3. The storage of goods, materials, trash or garbage is not permitted outside of the principle or accessory buildings or structures, unless it is screened in accordance with Sections **18.15 and 18.22**.
4. All uses shall meet the requirements for off-street parking and loading and unloading as specified in Article **NINETEEN**.
5. If an Industrial zoned parcel adjoins a Residential Zoning District, and earth berm at least three (3) feet in height shall be constructed and planted with permanent grass cover and tree and shrub nursery stock that will grow into an effective screen planting of not less than six (6) feet in height above the three (3) foot minimum height of the berm. At least 50% of the nursery stock shall be evergreens. The maximum slope of the berm shall not exceed a 25 % slope (4 foot run to a 1 foot rise).

ARTICLE FIFTEEN

Special Uses

Section 15.01 – Purpose

The formulation and enactment of this Zoning Ordinance is based upon the division of the Township into zoning districts, each of which include permitted uses which are mutually compatible. In addition to such permitted uses in districts, however, it is recognized that there are certain specific or unique uses which may be necessary or desirable to allow in definable locations in certain districts; but, which on account of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the permitted uses in a district. Such uses, on account of their peculiar location need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as an unrestricted permitted use.

Section 15.02 – Authority to Grant Permits

The Planning Commission shall have the authority to grant Special Use Permits, subject to such conditions of design and operations, safeguards and time limitations as it may determine for all special uses conditionally allowed in the various district provisions of this Ordinance and in accordance with Section 6.25.

Any and all conditions placed on a Special Use Permit by the Planning Commission must be implemented and maintained, If at anytime, or for any reason the property is found to be no longer in compliance with these conditions the owner/s shall be cited for violation in accordance with Section 3.06 of this Ordinance.

Section 15.03 – Application and Fee

Application for any special use permit allowed under the provisions of this Ordinance shall be made to the Zoning Administrator by filling in the official special use permit application form, submitting required data, exhibits and information; and depositing the necessary fee in accordance with the Township schedule of fees with the Zoning Administrator. No fee shall be required of any governmental body or agency. No part of such fee shall be returnable to an applicant.

Section 15.04 – Data, Exhibits and Information Required in Applications

An application for a special use permit shall contain :

- a. The applicant's name and address in full
- b. A notarized statement signed by all of the owners and the applicant, if the applicant is acting on the owner's behalf.
- c. The address of the property involved
- d. An accurate property survey and a general development site plan drawn to scale of said property showing the existing and proposed location of all buildings and structures thereon, and types thereof, and their uses.

- e. A statement and supporting data, exhibits, information and evidence regarding the required findings set forth in this Ordinance and as required by the Planning Commission.

Section 15.05 – Public Hearings

The Township Planning Commission shall hold a public hearing, or hearings, upon any application for a Special Use Permit, notice of which shall be given by one (1) publication in a newspaper or general circulation in the Township, to be printed not more than fifteen (15) days nor less than five (5) days before the date of such hearing, and notice shall be sent to the owners and occupants of all properties located within 300 feet of the property upon which the Special Use is to be located.

Section 15.06 – Required Standards and Findings for Making Determinations

The Planning Commission shall review the particular circumstances and facts of each proposed special use in terms of the following standards and required findings, and shall find and record adequate data, information and evidence showing that such a special use on the proposed site, lot, or parcel and make its determination accordingly:

- A. Will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.
- B. Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
- C. Will be served adequately by essential public facilities and services; such as, highways, roads, police and fire protection drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed special use shall be able to provide adequately any such device.
- D. Will not be hazardous or disturbing to existing or future neighboring uses.
- E. Will not create excessive additional requirements at public cost for public facilities, utilities and services.

Section 15.07 –Site Plan Review

If a site plan is disapproved, by the Planning Commission, the applicant is required to wait one (1) year before resubmitting of the same or similar site plan for review and approval consideration by the Planning Commission on the same or approximately the same parcel of land. The applicant has the right to request the review of a disapproved site plan on matters of interpretation of the provisions of the Zoning Ordinance, but not of land, building or structural use. If the Planning Commission disapproves a site plan, the applicant has the right to appeal the decision to the Township Board for its approval.

Section 15.08 – Junk Yards and Inoperative Vehicles

In addition to and as an integral part of development, the following provisions shall apply:

- A. Junk yards shall be established and maintained in accordance with all applicable Statutes of the State of Michigan, and are only permitted in the Industrial District and shall be located only in sites which are completely screened from adjacent properties and public view from roads and highways.

Section 15.09 – Mobile Home Parks

All mobile home parks shall comply with the requirements of Public Act 243 of 1959, “The Trailer Coach Park Act” and Public Act 419 of 1976, “The Mobile Home Park Commission Act” and the following additional regulations. Minimum site size for a mobile home park shall be twenty (20) acres.

- A. **Open Space**
An open area shall be provided on each mobile home lot, to insure privacy, adequate natural light, ventilation, and a sufficient area for outdoor uses essential to each mobile home and shall equal at least forty (40%) percent of the area of each lot.
- B. **Location and Access**
Mobile home parks shall have frontage and direct access from a hard surfaced paved road.
- C. **Mobile Home Lot Access**
Convenient access to each mobile home lot apron shall be provided by means of a minimum twelve (12) foot wide access road or drive reserved for maneuvering mobile homes into positions and kept free of trees and other immovable obstructions.
- D. **Roadways**
There shall be provided a hard surfaced and adequately drained roadway of at least thirty (30) feet in width, which affords direct access to each mobile home lot and precludes through traffic. A mobile home park shall provide vehicle parking spaces as provided for in Article **TWENTY-ONE**. A sixteen (16) foot wide open way shall be maintained at all times on all roadways for the passage for fire apparatus or other emergency vehicles. Curvilinear street patterns are encouraged. In parks containing more than thirty (30) mobile home lots, a boulevard type entrance roadway with a planted median is required for traffic control and ingress and egress.
- E. **Canopies and Skirting**
 - 1. The skirting shall be no less than twenty-six (26) gauge metal and connected with a rat-proof wall or slap, so constructed and attached to the mobile home as to make it impossible for the entrance of rodents, flies, bugs, or other insects. One access door in the skirting shall be permitted and a screen vent shall be installed along such skirting at intervals of twenty (20) feet so as to provide adequate cross-ventilation.

2. Each mobile home shall be jacked up in a uniform manner.
3. Canopies and awnings maybe attached to a mobile home. No canopy or awning shall exceed ten (10) feet in width nor length or height of the mobile home. Each mobile home must be skirted within ninety (90) days after establishment in a mobile home park.

F. Fences

If fences are constructed on each mobile home site, they shall be uniform in design and character for all mobile home lots. Such fences shall not exceed thirty (30) inches in height and shall be constructed in such a manner as to permit access to all sides of each mobile home for fire fighting purposes.

G. Landscaping

1. All mobile home park boundary line areas shall be maintained in a clean and presentable condition at all times. A grass lawn or other suitable ground cover shall be maintained as yard surfacing on each mobile home lot, except for those portions of the lot covered by the mobile home, structural additions, sheds, walks concrete pads or planting beds.
2. The retention of existing desirable trees on a site is encouraged.

H. Outdoor Storage

No outdoor storage shall be permitted, except in outdoor sheds or cabinets for the storage of tools or equipment and shall be limited to one (1) well maintained structure, located at the rear of the mobile home lot, and not exceeding eighty (80) square feet in floor area or seven (7) feet in height. To the maximum extent possible, these facilities shall be uniform in design, location, and color throughout the mobile home park.

I. Trash Disposal

Adequate facilities for the storage and disposal of trash, garbage and other waste materials shall be provided at conveniently located points within 150 feet of any given mobile home lot. All containers shall be situated on stands and shall be fly-tight, water-tight, rodent-proof, and shall be sufficient in number and capacity to properly store all the accumulated refuse. All containers shall be enclosed in accordance with Section **18.15** "Solid Waste Receptacle Areas".

J. Television Antenna

One (1) or more master antenna facilities shall be installed with underground service connections to each mobile home lot.

K. Roadway and Yard Lights

Roadway and yard lights shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians and effectively diverting unnecessary illumination from the dwelling portions of each mobile home lot.

L. Central Building

Central buildings for other than administrative or laundry facility usage is permitted. These may be used for indoor recreation, assembly halls, and for storm shelter. Such buildings should be conveniently located on the park site, may be combined structurally with the administrative and laundry facilities, and may include swimming pools or other clubhouse facilities in connection with on-site recreation facilities.

M. Permit Requirement

It shall be unlawful for any person or corporation to construct alter or extend any mobile home park unless they first obtain valid licenses and permits from the Director of the Michigan Department of Public Health and the township in the name of said person or corporation. The application for permit shall be accompanied by a sketch plan showing:

1. Area and dimensions of the tract of land.
2. Number, location, and size of mobile home lots and common open space.
3. Expected maximum size and type of mobile homes to be situated on each lot.
4. Location and width of roadways, walkways and parking spaces.
5. Location and usage of service buildings.
6. Location of utilities and service facilities.

N. License and Certificate Requirements

It shall be unlawful for any person or corporation to conduct or operate a mobile home park in the Township without a currently valid license issued by the Director of the Michigan Department of Public Health and a Certificate of Occupancy and an annual license from the Township Zoning Admin.

O. Periodic Inspection

The Zoning Administrator and/or his authorized agent or agents are hereby granted the power and authority to enter upon the premises of a mobile home park at any time for the purpose of determining and/or enforcing any provisions of this or any other Township Ordinance applicable to the construction and operation of a mobile home park.

Section 15.10 – Temporary Mobile Homes Located Outside of a Mobile Home Park, including Trailers, Motor Homes and Recreational Vehicles

From and after the effective date of this Ordinance, it shall be unlawful for any person to move a mobile home, travel trailer, motor home or recreation vehicle on to any lot, parcel or tract of land in the Township for any purpose, except as provided and permitted hereinafter in this section, or as specifically permitted elsewhere in this Ordinance:

- A.** Mobile homes, travel trailers, motor homes, and recreation vehicles shall be permitted when located on a farm having forty (40) acres or more for the occupancy of farm workers. The farm owner or lessee shall first make written application to the Planning Commission, who shall issue the permit for one (1) or more mobile homes, travel trailers, motor homes and recreation vehicle units if they meet the following:

1. The location of each unit is not to be less than 100 feet from any public highway and/or boundary of adjoining property.
 2. An adequate pure water supply and sanitary facility is conveniently nearby and available to meet all public health and safety requirements of the occupants of each mobile home, travel trailer, motor home or recreation vehicle.
 3. Migrant worker housing authorization will be determined by the zoning administrator. **(Rev 08/19/09)**
- B.** Mobile homes, travel trailers, motor homes or recreation vehicles shall be permitted for construction contractor purposed when located on a construction site approved by the Planning Commission. The applicant must furnish all pertinent data, including description of land to be used, number of mobile home, traveler trailer, motor home or recreation vehicle units involved, and the expected length of construction time. The Zoning Administrator must verify that (a) the location of units will be not less than 100 feet from a public highway and/or boundary of adjoining property, and (b) adequate fresh water supply and sanitary facilities are available on site. A “Temporary Permit” shall be issued covering the period of the specific construction job, not to exceed one (1) year, subject to an extension approved by the Planning Commission for good cause which shall not exceed one (1) year.
- C.** DELETED **(Rev 08/19/09)** refer to Section **18.19**.
- D.** DELETED **(Rev 08/19/09)** refer to Section **18.23**.
- E.** Use of mobile homes as an accessory use for reasons of health and infirmity as provided in Section **18.37**.
- F.** Modified 6/21/2017 The parking, storage and use of travel trailers, motor homes and recreational vehicles, hereinafter referred to as trailers, shall be permitted in all zoning districts except NSC and CSC (refer to Section 15.10 F.5 below for these) provided they meet all zoning setbacks under the following provisions:
1. Not allowed for any reason on any vacant lake front property. with the exception of lake front parcels 5 acres or larger in size and with a setback of 250 feet from the lakes high water mark. Parties placing trailers on lakefront lots meeting the above conditions must also follow requirements of Section 15.10 F.4.
 2. Temporary parking (not for use) and storage of not more than 2 trailers is permitted where there is a principle dwelling on the property or on a back lot with the same owner as the principle dwelling. Storage of more than two trailers will be allowed up to a maximum of five units at an average of one unit per acre.
 3. Use of one trailer as a dwelling by visitors is permitted when parked in a side yard, rear yard or back lot of an owner or lessee permitting principle dwelling and for not more than 20 days in any 30 day period and must be

removed from the lot for at least 7 days prior to any additional use as a dwelling by visitors. A notice of violation of this section by the Township shall state a date after 20 days at which time the owner shall be required to notify the Township, so that the Township can inspect the premises to ensure removal, and before the trailer can be replaced on the lot and used as a temporary dwelling.

4. On vacant land (except lakefront properties covered in Section 15.10 F.1) trailers may be used from April 1st through December 31st as long as they remain mobile, licensed, with no foundation, skirting or roof-overs. Parcels less than 5 acres must have a Health Department approved septic hook-up, well and have a temporary or permanent power hook-up. Trailers must meet required zoning setbacks. Parcels 5 acres and larger that are occupied by a trailers in excess of 20 continuous days or in excess of 60 days in a calendar year must have a Health Department approved septic, well and temporary or permanent power hook-up. In addition, on parcels 5 acres and larger trailers are required to have setbacks of 150 feet or greater from property lines, right-of-ways or easements. Parcels will be limited to one trailer per acre with maximum of 4 trailers per parcel.
5. In NSC and CSC zoning districts trailers may occupy parcels only if one of the following provisions are met:
 - a. If the parcel contains a single family principle residential dwelling, including home occupied businesses, then Section 15.10 F. 2 & 3 apply.
 - b. No trailers may be allowed on vacant land parcels within these zoning districts unless the parcel contains a State of Michigan licensed campground facility.
 - c. Trailers will be allowed on parcels within the CSC zoning district that have township approved site plans for either the outdoor storage of trailers, sale of trailers, or state licensed campground facility.

Any violations of these provisions shall receive one warning before a civil infraction citation is issued. Any violation of the health rules, such as dumping of grey or black water is an instant civil infraction with a \$500 fine and immediate removal of the trailer from the premises. **(Rev. 08/19/09)**

Section 15.11 – Valid Nonconforming Use of Mobile Homes, Travel Trailers, Motor Homes or Recreation Vehicles

The use of any mobile home, travel trailer, motor home or recreation vehicle placed on a lot, parcel or tract of land in the Township prior to the effective date of this Ordinance, which use is not prohibited by this Ordinance, shall be a “Valid Nonconforming Use” that may be continued, subject to the provisions pertaining to “Nonconforming Uses” contained in Article SEVENTEEN.

Section 15.12 – Temporary Transient Enterprises

The following provisions shall apply in addition to all applicable regulations in the district in which they are to be located:

- A. All “Temporary Transient Enterprises” uses shall be located on sites large enough so as not to occupy or cover more than fifty (50%) percent of the area of a lot or parcel upon which it is located.
- B. All fenced-in areas shall be set back at least 100 feet from any front road or property line.
- C. Side and rear yards shall be at least 100 feet in depth from all adjacent lots and parcels.
- D. All traffic ingress or egress shall be on public roads and all local traffic movements shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements onto or off from public roads, all points of entrance or exit for motor vehicles shall be located no closer than 200 feet from the intersection of any two (2) roads or highways.
- E. Temporary Transient Enterprises uses are not permitted in any LDR, R2, or R3 residential districts.

Section 15.13 – Gasoline Service Stations

All gasoline service stations or filling stations shall conform to the following regulations in addition to all applicable regulations in effect in the district in which they are to be located.

- A. **Frontage and Area**
Every gasoline service station shall have minimum frontage of 200 feet and a minimum area of 30,000 square feet.
- B. **Setbacks**
Every structure, including gasoline pumps and other equipment, erected or installed for use as a gasoline service station shall have a minimum setback from the road right-of-way as required by the regulations in the zone in which they are to be located, and minimum setback from all property lines of fifty (50) feet.
- C. **Construction Standards**
All vehicle service areas shall be constructed to conform to the following standards:
 - 1. Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands.
 - 2. The entire area used for vehicles service shall be paved with hard surface, except for such unpaved area as is landscaped and protected from vehicle use by a low barrier.

3. Hydraulic hoist, lubrication, greasing, washing, and repair equipment shall be entirely within a building. Tire and battery service and minor automobile repair, excluding automobile body repair and painting, are permitted if conducted entirely within a building.
4. The maximum widths of all driveways at the public sidewalk crossing or road like shall be no more than twenty-four (24) feet.
5. Minimum angle or driveway intersection with the roadway from the curb line to lot line shall be no less than sixty (60) degrees.
6. The minimum distance of any driveway from any property line shall be at least twenty (20) feet.
7. The minimum distance between roadway curb cuts shall be no less than forty (40) feet.

D. Lighting

All lighting shall be installed in a manner so that no illumination source is visible beyond all property lines.

E. Gasoline service stations are only permitted in CSC, NSC and Industrial Districts.

Section 15.14 – Sanitary Landfills

Sanitary landfills shall: (1) only be located in the RD and AG Districts, (2) only if planned to be located in the County, in accordance with the County Plan prepared in conformance with Public Act 641 of 1978, “The Solid Waste Management Act” or under the jurisdiction of the Michigan Department of Environmental Quality in conformance with Public Act 64 of 1979, “The Hazardous Waste Act” and (3) with direct access only permitted from an impervious hard surface paved all-weather year-round road as defined by the County Road Commission.

Section 15.15 –Extraction of Natural Resources

A. Permitted Uses

The following special uses will be permitted only in the RD and AG Districts and when applicable, in conformance with Public Act 303 of 1982, “Michigan Surface and Underground Mine Reclamation Act”.

1. The excavation or mining of soil, sand and gravel. The incidental grading, contouring or excavation of soil, sand and gravel, provided the finished grade has complete surface drainage and a vegetative ground cover is planted over the entire exposed area upon completion of all excavation and finished grading, are excluded from the regulations of this Ordinance except for the setback and yard requirements specified in the RD and AG Districts.
2. The processing, storage, loading and transportation of soil, sand and gravel, incidental to its marketing.
3. The mining of clay.
4. The extraction of peat or marl.
5. The quarrying of stone.

6. The mining of coal.

B. Permitted Accessory Uses

Any use customarily incidental to the permitted Principle Special Use.

C. Extractive Mining Area, Bulk and Equipment Location Requirements

1. Limits of Excavation

Sufficient setback shall be provided from all property lines and public highways, to assure adequate, lateral support. Minimum allowable setback shall be fifty (50) feet from any property line and seventy-five (75) feet from any public highway or road.

2. Placement of Processing Plants

The permanent processing plant and its accessory structures shall not be closer than 250 feet from any property line or public highway or road.

3. Elevation of Plant Site

Wherever practicable, the permanent processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, in order to reduce the visual impact of the plant structure.

4. Management of Storage Piles and Overburden

Storage piles of processed material and overburden stripped from mining areas shall not be located closer than fifty (50) feet from any property line, or one hundred (100) feet from any public highway or road.

5. Site Area

Minimum site area for natural resource extraction sites under this Ordinance shall be ten (10) acres.

D. General Requirements:

Natural resource extraction operations shall be carried out under the conditions of a Mining Permit, issued and maintained under the following requirements:

1. Before commencement of mining operations, the operation company shall file an operational plan with the Township Planning Commission, which plan and any necessary subsequent revisions shall be mined, the location of permanent structures, the points of access upon public highways, and the highway routes to be followed in the transportation of finished materials. This plan, and any approved necessary subsequent revisions, shall be filed with the Zoning Administrator by the Planning Commission.
2. The operational plan, which shall be submitted to and approved by the Planning Commission, shall include a determination of the net operational areas, i.e., the area stripped of overburden, the area being mined, the area being used for structures and storage piles, and worked out areas which have not been reclaimed. Performance bonds, hereinafter considered in relation to the reclamation of the area, shall be calculated on the basis of the net excavation and operational area as measured in acres.
3. Upon commencement of mining operations, perimeter controls shall be established for the mining area:

- a. The mining area shall be enclosed within a five (5) foot high continuous wall or fence or by a screen planting or hedge fence of similar capability.
 - b. The property shall be posted against trespass, with conventional signs placed not more than 100 feet apart.
4. Site barriers shall be provided along all boundaries adjacent to roads which lack natural vegetative or terrain conditions which provide effective screening of mining operations. Site barriers shall consist of one (1) or more of the following.
 - a. Earth berms, which shall be constructed to a height of five (5) feet above the mean elevation of the center line of the public highway adjacent to the mining property, or five (5) feet above the general level of terrain along property lines. These berms shall have slopes not in excess of one (1) foot vertical to four (4) feet horizontal, and shall be planted with grass, trees and shrubs.
 - b. Existing and/or proposed screen plantings of coniferous or other suitable species at least five (5) feet in height, in rows parallel to the boundary of the property, with the spacing of rows and the spacing of trees within rows which shall be sufficient to provide effective screening.
 - c. Masonry walls or solid fences which shall be constructed to a height of five (5) feet.
5. Noise and vibration shall be minimized in their effect on adjacent properties by the proper use of berms, walls, and screen plantings. In addition, all equipment used for the production of sand and gravel shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.
6. Air pollution in the form of dust and dirt shall be kept at a minimum. All equipment used for production of sand and gravel shall be operated in such a manner as to minimize, insofar as is practicable, dust conditions which are injurious or substantially annoying to persons living in the vicinity. Interior roads serving the mining operation shall be paved, treated, or watered, insofar as is practicable, to minimize dust conditions.
7. No mining of sand or gravel shall take place within the specified distance from the margin of any stream or waterway as established by the Michigan Department of Environmental Quality.

E. Reclamation of Mined Areas

1. All natural resource extraction areas shall be reclaimed and rehabilitated as soon as may be practicable after each mining phase has been completed in accordance with the plan approved by the Planning Commission. Wherever the operational plan shall permit, reclamation shall be accomplished concurrently with phased mining operations, i.e. a mined-out phase section of the area may be undergoing rehabilitation while a

second phase may be undergoing active mining, and a third phase area may be being stripped of overburden. Substantial completion of reclamation shall be effected for one phase of the three (3) permitted to be opened at any time for extraction purposes prior to proceeding with the next phase. After all extraction operations are completed, the final phases of extraction shall be reclaimed in accordance with the approved final reclamation plan within one (1) year after all extraction has been completed.

2. Before commencement of mining operations, the operating company shall submit a generalized reclamation plan to the Planning Commission, setting forth the intended disposition of all land and water areas, the proposed configuration of the terrain as shown on a topographic map, a plat of any proposed streets or other improvements to be made upon the property, and a general statement of the intended final utilization of the mined property. This plan, and any subsequent revision shall be approved by the Planning Commission before any zoning permit is issued by the Zoning Administrator.
3. Rehabilitation and Reclamation of natural resource extraction areas shall be in accordance with the following standards:
 - a. All excavation shall have either a water depth of not less than ten (10) feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-noxious, non-inflammable and non-combustible solids in accordance with the approved Reclamation Plan in order to insure:
 1. That the finished grade of the excavated area shall not collect and retain stagnant water.
 2. That the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce gently rolling surface that will be generally compatible with the adjoining land area in terms of topography and complete surface drainage.
 - b. The finished grade of all slopes resulting from excavations shall not be steeper than one (1) foot vertical and three (3) feet horizontal.
 - c. Topsoil of a quality equal to that occurring naturally in the surrounding area shall be replaced on all excavated area not covered by water, except those area where roads, beaches, or other planned improvements are planned. Topsoil shall be applied to a depth of at least four (4) inches or at least to the depth that existed prior to the removal of topsoil, if less than four (4) inches.
 - d. Vegetation shall be restored by the appropriate planting of grass, trees and shrubs, in order to establish a permanent

vegetative cover on the land surface, and to minimize erosion.

- e. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time, not to exceed twelve (12) months thereafter, shall remove all plant structures, buildings, stockpiles, and equipment.
4. The operation company shall post a minimum financial guarantee in the amount of \$1000.00 for each net operational acre. The guarantee shall be provided in one of the following forms: (1) cash, (2) certified check, (3) irrevocable bank letter of credit, (4) surety bond acceptable to the Township Board. Upon rehabilitation of mined acreage, and reduction of net operational area, the bond or security deposit shall be released in accordance with the amount of security required per acre.

F. Administration of Mining Districts

- 1. The following procedures shall be followed before establishing a mining operation:
 - a. The operation company shall file an operational plan, in accordance with the requirements of Section **15.15 E** of this Ordinance. This plan may be in the form of a written statement and maps, and shall carry evidence of review and approval, if required, by any County or State agency of competent jurisdiction, in addition to the required approval of the Township Planning Commission. On the basis of this plan, the operation company shall file a statement of net area to be excavated as measured in acres.
 - b. The operating company shall file a reclamation and rehabilitation plan, subject to the requirements of Section **15.15 F, 2** and shall provide a financial guarantee in accordance with the requirements of Section **15.15 E, 4** of this Ordinance.
 - c. The Township Planning Commission shall review the Operations and Reclamation plans, approve with conditions or disapprove the plan. Upon approval of the plan, the Township Board shall determine and receive the financial guarantee for reclamation in accordance with Section **15.15 E, 4** of this Ordinance.
- 2. Before commencement of mining operations, a Special Use Permit shall be issued by the Zoning Administrator upon payment of the required fee (s) in accordance with the established Township “Fee Schedule”. This fee shall defray any administrative expense rising out of the mining operation.
- 3. **Inspection and Conformance**
 - a. Any violations shall be reported in writing to the Township Board. The report shall be forwarded with a request for

compliance to the operating company by the Zoning Administrator.

- b. Failure on the part of the operating company to correct a reported violation within thirty (30) days after such request is made by the Zoning Administrator shall be reason for revocation of the special use permit. Additional time for correction of the cited violation may be allowed upon submission to the Zoning Administrator of proof of good and sufficient cause by the operating company, otherwise the operation company shall be declared to be in violation of this Ordinance and subject to the penalties of both the Ordinance and the special use permit approved for the natural resource extraction operation.

B. Special Requirements

1. Waiver of Excavation Limits

The Township Zoning Board of Appeals may approve a reduction of the setback limits required for excavations in Section 15.15 C, 1 under the following conditions:

- a. The operating company shall have provided the Zoning Board of Appeals with acceptable proofs that lateral support shall not be endangered.
- b. Adjacent property owner (s) shall have given written consent to the waiver of limits for excavation.
- c. All other requirements of this Ordinance have been met and maintained at the time of applying for and receiving approval of any wavier.

Section 15.16 – Airports

A. Purpose

It is the intent and purpose of this section to provide the necessary safety and protection to the users of airports and to the people who live, work and use property in its vicinity.

B. Hazard Area

This section establishes regulations for all land uses located within 20,000 feet from any point along the edges and end of the planned runways for airports. In effect, this section establishes a large bowl of air around and above the airport for a distance of 20,000 feet from all points along the edges and ends of planned runways and from the bottom imaginary plane of which the heights of all trees and structures shall be at least 25 foot distance below the said plane.

C. Hazards

Structures and trees which project above the height limitations are considered hazards to flying and endanger lives and property. The prescribed height limits are not arbitrarily

set, but are based on past experience and studies made by the Michigan Aeronautics Commission and by Federal Aviation Administration. Height limits are based upon the elevation of the end of the nearest runway.

D. Existing Nonconforming Trees and Structures

This Section does not affect existing structures, the height of which exceeded the limits imposed by this section as of the effective date hereof. New construction, and construction increasing the height of existing structures, within the prescribed distances of the airport, must conform to the provisions on height limitations specified in subsection J. This Section also restricts such use of land within the vicinity of the airport as will unreasonably interfere with radio communications systems and other navigational aids or devices used by the airport and aircraft, or would reduce visibility or would create confusing lights.

E. Provisions for Variances

This Section contains provisions for the granting of variances of height limits by the Zoning Board of Appeals in the event of practical difficulty if the granted variance would not be contrary to the public interest and safety. It is the intent of the Township Board, Planning Commission and the Zoning Board of Appeals, with the cooperation of the public, to have this Section administered in a reasonable and just manner in keeping with the responsibilities involved.

F. Definition of Terms

1. Airport

Means an airport and all appurtenances used or required as airport buildings or other airport facilities and all other appurtenant right-of-way or other interest either heretofore or hereafter established.

2. Airport Hazard

Means any structure or tree which within the airport hazard area which exceeds the height limitations established within the airport hazard area which interferes with the safe use of the airport by aircraft.

3. Airport Hazard Area

Means any area of land or water, or both, lying within the radius prescribed in Subsection J.

4. Above Sea Level

When used in this Section or determined from Regional Airport Maps, denotes elevations above sea level based upon and determined by reference to United States Coast Guard and Geodetic Survey datum.

5. Nonconforming Use

Means any structure, tree or use of land which does not conform to regulations prescribed in this Section or any amendment thereto as of the effective date of these regulations.

6. Person

Means any individual, firm partnership, corporation, company, association, joint stock association, municipal corporation or other body

politic, and including any trustee, receiver, assignee or other similar representative thereof.

7. **Structure**

Means any object constructed or installed by man, including but without limitation, buildings, towers, smokestacks, overhead transmission lines, radio, and television aerials and antennae, but not including highways and their appurtenances.

8. **Tree**

Means any object of natural vegetative growth.

9. **Zoning Administrator**

Means the Township official who is designated by the Township Board and charged with the administration and enforcement of the provisions of this Section.

G. **Airport Overlay Zoning District Regulations**

1. **Airport Hazard Area**

There is hereby established an airport hazard area, which area or zone consists of all the lands within Plainfield Township lying beneath the airplane take-off and approach, transitional, conical and horizontal surfaces of the airport, said land being located within a circle having a radius extending horizontally from the edges of all runways as prescribed in Subsection J.

2. **Legal Height and Land Use Limitations**

From and after the effective date of this Section, it shall be unlawful for any person to erect any structure or allow any tree to grow to a height in excess of the limitations prescribed by the terms of this Article; or to establish any use of lands contrary to the provisions of this Section.

3. **Unlawful Land Uses**

Notwithstanding any other provisions of this Section, it shall be unlawful to put any lands within the "Airport Hazard Area" to any use which would:

- a. Create electrical interference with radio communication between the airport and aircraft or create interference with navigational aids employed by aircraft.
- b. Make it difficult for flyers to distinguish between airport lights and other lights or result in glare in the eyes of flyers using the airport.
- c. Create air pollution in such amounts as to impair the visibility of flyers in the use of the airport.
- d. Would otherwise endanger the landing, taking off or maneuvering of aircraft.
- e. Attract birds hazardous to airplanes.

4. **Nonconforming Existing Height of Land Uses**

The provisions of Subsection G.2 of this Section shall not apply to structures, trees or other nonconforming uses as the same may exist in the airport hazard area on the effective date hereof, unless subsequent thereto

the Zoning Administrator determines the same to be abandoned, or more than 50% torn down, destroyed, deteriorated, or decayed, in which cases the trees or structures shall not be replanted or reoccupied and used except in conformance with this Section and other requirements of this Zoning Ordinance, and the non-conformance portions of the trees or structures shall be removed to the extent necessary to gain conformance to this Section.

5. **Alternatives to Nonconforming Heights and Land Uses**

The provisions of Subsection G.2 of this Section shall apply to changes or alterations in existing structures, trees or other nonconforming uses after the effective date hereof, and any increase in the height thereof, with the same force and effect as though the same were new uses.

H. **Administration of this Section**

1. **Height Limitations Standards**

It may be necessary for the Zoning Administrator to refer to the published standards for the approach, transitional, conical and horizontal surfaces as described in “Approach Standards and/or Regulations” of the Michigan Aeronautics Commission and/or the Federal Aviation Administration. The Zoning Administrator shall calculate proper height limitations by interpolating between the aerial elevations as determined from the “Exemplary Cross-Section for determining Height Limitations for Trees and Structures.

2. **Administrative Official**

The Township Zoning Administrator is hereby charged with the duty of administering and enforcing the provisions of this Section. The duties of the Zoning Administrator shall include those of issuing permits as hereinafter required, but the Administrator shall not have or exercise any of the powers or duties herein delegated to the Zoning Board of Appeals. The Zoning Administrator shall adopt such administrative and enforcement procedures as may be necessary in connection with the administration and enforcement of this Section, subject to the approval of the Township Board upon the recommendation of the Planning Commission.

3. **Zoning Board of Appeals**

The Zoning Board of Appeals, as established by this Zoning Ordinance shall have jurisdiction over the granting of variances under this Section, except that the granting of such variances shall be conditioned by the recommendations which are submitted to the Zoning Board of Appeals by Michigan Aeronautics Commission and/or the Federal Aviation Administration prior to the granting of such variances. The Zoning Board of Appeals shall adopt rules and procedures under the provisions of this Section so that it can be properly administered and variances granted in a uniform and equitable manner.

4. **Certificate of Variance**

Applications for certificates of variance shall be submitted on such forms as shall be provided for by the of the Zoning Board of Appeals. If the application is granted the applicant shall be provided a certificate of variance in such form as shall be prescribed by such rules, provided that said certificate shall have a provision that it shall not be effective for a period of thirty (30) days following the date of its issuance. Immediately upon issuance of the certificate a copy thereof shall be filed with the Michigan Aeronautics Commission and a copy with the Township Board. In acting upon applications for variances, variances shall be allowed where a literal application of such regulations would result in practical difficulty and the relief granted would not be contrary to the public interest and approach protection standards, but would do substantial justice and be in accordance with the spirit of the regulations of this Section; provided, however, that any such variance may be allowed subject to any reasonable condition or conditions subsequent that the Zoning Board of Appeals may deem necessary to effectuate the purpose of this Section. Provided further that nothing in this Section shall be construed to permit a use which would conflict with any other zoning regulations applicable to the same area.

5. **Application Procedure**

Application for Zoning Permits shall be made upon forms furnished by the Zoning Administrator. The Administrator shall within 15 days from the filing thereof determine whether the height limitations as regulated by this Section, would or would not be violated if such application be granted and shall grant or deny said application accordingly. The Administrator shall advise the applicant of the Administrator's decision within three (3) days after the same has been determined. The force and effect of a denial shall be to leave the applicant with the option to apply to the Zoning Board of Appeals for a variance, it being intended that the maximum height limitation to be imposed by this Section shall be 25 feet above the ground levels existing on the effective date of this Section. Provided further that the issuance of a permit shall not be construed to permit a use that violates any other zoning ordinance requirements or other regulations applicable to the same area, lot or parcel.

6. **Exception for Emergency Utility Repairs**

No permit under the provisions of this Section shall be required for the emergency repair or replacement of nonconforming public utility structures, other than buildings, when the height of such structure will not be increased by such emergency repairs or replacements. It is intended that in the application of this provision any combination of circumstances calling for immediate action or remedy in the repair or replacement of such nonconforming public utility structures shall be deemed an emergency.

I. Judicial Appeals

1. Appeals to Circuit Court

Any person, including the Michigan Aeronautics Commission or the Federal Aviation Administration on behalf of and/or in the name of the State or Federal Government, aggrieved by any decision of the Zoning Administrator or Zoning Board of Appeals, may appeal Circuit Court of the County of Iosco as provided in Section 30 of Act No. 23, of the Public Acts of the State of Michigan for the year 1950 (Extra Session) “The Airport Zoning Act”.

J. Height Regulations

No tree or structure shall come closer than 25 feet to an imaginary surface or plan extending outward and upwards at the rate of one foot rise for every 100 feet of horizontal distance within 20,000 feet of the nearest point of all runways of more than 3,200 feet in length and at the rate of one foot rise for every 50 feet of horizontal distance within 10,000 feet of the nearest point of all runways of less than 3,200 feet in length.(see fig 1 page 112.1)

K. Federal Regulations (FAR 77)

This Section is not intended to conflict with existing State and Federal approach protection regulations. The Federal Aviation Administration requires that they be given written notice of any construction or alteration:

1. That would be more than 200 feet above ground level at its site location.
2. That would be above an imaginary surface extending outward and upward at 100 to 1 slope within 20,000 feet of the nearest point of the edge or end of runway which is more than 3,000 feet in length.
3. That would be above an imaginary surface extending outward and upward at 50 to 1 slope within 10,000 feet of the nearest point of a runway which is less than 3,200 feet in length.

This FAR 77 is hereby made a part of this Section

L. Compliance with Michigan Aeronautics Commission Requirements

Prior to the issuance of a Zoning Permit for any construction or the conduct of any new or additional activities in conjunction with either a new or existing airport, a letter or certificate of compliance from the Airspace Zoning Engineer of the Michigan Aeronautics Commission shall be presented to the Planning Commission as a part of the application and procedure in the approval, approval with conditions or denial of an airport application, site plan, amendment to an application or site plan which involves additional construction or activity not heretofore approved by the Michigan Aeronautics Commission, Airspace Zoning Engineer, Planning Commission, Township Board, Zoning Board of Appeals or Zoning Administrator.

M. Performance Standards for Airport District

It shall be unlawful to carry on or permit to be carried on any activity or operation or use of land, building or equipment that produces irritants to the sensory perceptions of

humans. Such measures may be supplemented by other measures which are duly determined to be maximum permissible hazards to humans or to human activity.

1. **Sound**

At no point at the boundary property line of any use shall the sound emitted be of such a level of intensity that it is uncomfortable to the human ear.

2. **Vibration**

All machinery shall be so mounted and operated as to prevent transmission of ground vibration which can be readily perceived by a person standing at any lot line of the transmitting use.

3. **Odor**

The emission of noxious odorous matter in such quantities as to be readily detectable at any point along lot lines so that it is a public nuisance or hazard beyond lot lines, is prohibited.

4. **Gases**

The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated, except as required in this provision of essential services.

5. **Glare and Heat**

Any operation producing intense glare or heat shall be performed within and enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.

6. **Light**

Exterior lighting shall be so installed that the surface of the source of light shall not be visible from any bedroom window, and shall be so arranged as far as practical to reflect light away from any residential use.

7. **Smoke, Dust, Dirt and Fly Ash**

All emissions shall comply with Michigan's Air Pollution Control Act, Act 348 of the Public Acts of 1965, as amended, and rules promulgated hereafter.

8. **Drifted and Blown Material**

The drifting or airborne transmission beyond the lot line of dust, particles, or debris from any open stockpile shall be unlawful and may be summarily caused to be abated.

9. **Nuclear Radiation**

Nuclear radiation shall not be emitted to exceed quantities established as safe by the U.S. Atomic Energy Commission.

Section 15.17– Trap and Skeet Shooting Ranges

A. **Purpose**

It is the intent and purpose of this Section to provide for the proper location of Trap and Skeet Shooting Ranges in relation to adjacent and surrounding land use both present and future in the interest of public safety and the welfare of those who work and live on adjacent and surrounding properties.

- B. Location**
Trap and Skeet Shooting Ranges shall be located only in the RD and AG Zoning Districts, but no shooting station shall be located within 1000 feet of a platted subdivision or an existing dwelling located on adjacent or nearby lots or parcels.
- C. Size of Site**
A Trap and Shooting Skeet Range shall have at least 20 acres of land area for the first shooting station and at least 10 acres of land area for each additional shooting station.
- D. Buffer Area**
A buffer area of at least 450 feet shall surround all parts of the Trap and Skeet Shooting Range with only natural materials and vegetation and safety and sound barrier devices permitted in the buffer area forward of the shooting stations, and the buffer area to the rear of the shooting stations to be used for off-street parking and other structures accessory to the Range, provided all setbacks and other requirements are met.
- E. Construction Plans**
Plans and specifications for Trap and Skeet Shooting Ranges shall be the same as provided by the National Rifle Association, 11250 Waples Mill Road, Fairfax, Virginia 20030.
- F. Length of Firing Range**
The distance from the shooting station to the inside edge of the buffer area shall be at least equal to the distance a projectile fired from any firearm on said range.
- G. Off-Street Parking**
Off-Street parking spaces shall be provided in a number at least equal to 75% of the membership of a Trap and Skeet Shooting Club or if a transient commercial range a number equal to four (4) off-street parking spaces per shooting station.
- H. Hours of Operation**
Trap and Skeet Shooting hours shall be limited to the hours between 8:00 A.M. and 8:00 P.M., and there shall be no shooting between the hours of 8:00 P.M. and 8:00 A.M., and additionally between the hours of 8:00 A.M. and 12:00 noon on Sundays, Thanksgiving, Christmas and New Year's holidays.
- I. Variances**
The Zoning Board of Appeals may grant variances from the above land area and buffer area requirements if practical difficulties can be proved to the satisfaction of the Board, but only if some natural topographical or man-made barriers such as berms, walls or other forms of safety and sound barriers are to be erected to justify the granting of such a variance from the minimum buffer area or minimum land area requirements.

Section 15.18 – State Licensed Child Day Care Centers

State licensed day care centers may be permitted in CSC and I Zoning Districts, provided they are:

- A. located on a separate lot in a dwelling or other approved building.
- B. Located in a separate approved building as an accessory use to the principle use located on the same lot.
- C. Located within a principle use building in an approved part of the building.

Section 15.19 – Adult Entertainment Facilities

Adult entertainment facilities may be permitted provided the conditions below are met and such other conditions as may be required by the Township to protect adjacent uses and residential neighborhoods are met.

- A. No adult entertainment facility shall be permitted within one thousand (1000) feet of a church, park, or a public or private school property.
- B. No adult entertainment facility shall be permitted within one thousand (1000) feet of a residence or a district zoned for residential use.
- C. In determining the distance limitation in A and B above measurements shall be made from the boundary of the church park or school property on a straight line to the boundary of the property of the adult entertainment facility. Measurements shall be made from the boundary of a residence or residential district on a straight line to the boundary of the property of the adult entertainment facility.

ARTICLE SIXTEEN

Planned Unit Development District

Section 16.01 – Purpose

The intent of Planned Unit Developments (PUD) is to permit greater flexibility and consequently more creative design of various types of development than are possible under conventional zoning regulations. It is the intention of this Article to allow flexible land use composition and design without sacrificing the basic principles of sound zoning practice. The basic zoning districts and their permitted uses as established in this Ordinance will form the land use base for designing a combination of uses permitted in each district in the form of clustering principle uses and activities at a higher density than would otherwise be possible under the respective district regulations on a preferred portion of a parcel while maintaining the overall density of development of the parcels consistent with the district regulations. Another option would be to combine the planning of land uses and activities from several districts as one project on the same clustering principle.

Section 16.02 – Permitted and Accessory Use.

In the “PUD” Planned Unit Development Districts, the following provisions, regulations and restrictions shall apply:

A. Principle Permitted Use

1. All principle permitted uses allowed in the R-1, R-2 and R-3 Residential Districts on parcels of at least 20 acres.
2. All principle permitted uses allowed in the MFR Multiple Family Residential Districts on parcels of at least 10 acres.
3. All principle permitted uses allowed in the NSC Commercial District on parcels of at least 5 acres.
4. All principle permitted uses allowed in the CSC- and Industrial District on parcels of at least 10 acres.

B. Accessory Uses

1. Accessory building and uses customarily incidental to the above-named permitted uses.
2. Signs – See Article TWENTY “Sign Regulations” herein.

C. Special Uses

1. Recreational Activity Centers.
 - a. Golf courses
 - b. Nature preserves
 - c. Swimming pools
 - d. Tennis or racquet club
 - e. Utility structure (s) and equipment for the operation thereof (excluding Outside Storage).

Section 16.03 – General Provisions

A. Continuing Applicability of Information on Approved Site Plans

The location of all uses and buildings, all uses and mixture thereof, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of a site plan which is approved subsequent hereto, shall have the full force and permanence of the Zoning Ordinance as though such information were specifically set forth in the Zoning Ordinance. Such information shall be the continuing obligation of any subsequent interests in a “PUD” district or parts thereof and shall not be changed or altered except as approved through amendment or revision procedures as set forth in this Article. The approved plan (s) and any conditions attached thereto shall control all subsequent planning or development. A parcel of land that has been approved as a “PUD” district shall not thereafter be developed or uses except in accordance with the approved site plan and plats approved subsequent thereto.

B. Construction

No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued therefore, on a lot width, or under petition for, a “PUD” district classification, until the requirements of this Article have been met.

C. Performance Guarantees

Will be required for all public and common improvements in developments an of all phased developments on a per phase basis. Cost levels to be used in setting dollar amounts shall be based upon the findings regarding estimated cost as reported by the Township Engineer, Public Agency or PUD Engineer.

Section 16.04 – Pre-Application Conference

A. An applicant for a PUD district may request a pre-application conference with the Township officials prior to filing an application for developing a PUD District. The request shall be made to the Township Planning Commission Chairperson who shall set a date for the conference and shall inform the Township Board and other Planning Commission members of the conference and invite their attendance. The Township Planning Commission Chairperson shall also invite other officials who might have an interest in the proposed development, or who might assist the Township in the review process.

B. The purpose of the conference shall be to inform Township and other officials of the concept of the proposed development and to provide the applicant with information regarding land development policies, procedures, standards, and requirements of the Township and other agencies. The applicant is encouraged to present schematic plans, site data and other information that will explain the proposed development.

C. Statements made in the conference shall not be legally binding commitments.

Section 16.05 – Site Plan Requirements

A site plan shall be submitted for approval for each phase of development. Preliminary site plans shall be submitted and reviewed in accordance with, and shall meet all provisions of Article SEVEN, “Site Plan Review Procedures”.

The Planning Commission shall require the applicant to provide housing and commercial market analysis, traffic studies, and other information necessary for the Planning Commission to properly and adequately analyze a “PUD” district request for recommendation to the Township Board with respect to this requirement. To that end, an impact assessment shall be prepared by the applicant and submitted to the Planning Commission concurrently with the site plan. This document shall be prepared in narrative form, with such accompanying charts, graphs, maps and/or tables as may prove necessary. Topics to be addressed shall include community impacts (i.e., additional traffic likely to be generated per development, additional police and fire service needs to be anticipated) and environmental impacts (i.e., soils found on the site, site topography, natural features of note that are located on the site and how each would be impacted by the proposed development).

Section 16.06 – Site Plan: Administrative Review Procedure

- A. An application for a “PUD” district shall be made by the owner (s) of record of the subject parcel. The applicant shall provide evidence of full ownership of all land in a “PUD” or execution of a binding or conditional sales agreement, prior to receiving a recommendation of approval of the application and site plan by the Township Planning Commission.
- B. The application shall be filed with the office of the Zoning Administrator who shall transmit the application and the site plan to the Township Planning Commission. The application shall be filed at least ten (10) days prior to the Planning Commission meeting at which it is to be first considered.
- C. The Township Planning Commission shall hold a public hearing on the application and site plan, said hearing to be held within thirty-one (31) days of the filing date or at the regular Township Planning Commission meeting following that is closest to that date.
- D. At the public hearing the applicant shall present evidence regarding adherence to all pertinent standards and requirements. To this end evidence and expert opinion shall be submitted by the applicant in the form of maps, charts, reports, models and other materials, and/or in the form of testimony by experts who can clearly state the full nature and extent of the proposal. Materials shall be submitted in sufficient quantity for review by the Planning Commission and other Township officials. Materials submitted shall include the required site plan and any complementary sources of information necessary to satisfy the requirements detailed in Section 18.07.
- E. The Planning Commission shall undertake a study of the application and site plan and shall submit a report thereon to the Township Board within sixty (60) days of the filing

date. This report shall contain the Planning Commission’s analysis of the application and site plan, finding regarding standards, suggested conditions of approval, if applicable, and its recommendations. Materials and information to be considered in this study and review process may include input from such agencies as the County Health Department, Road Commission and Drain Commissioner.

- F. The Township Board shall review the application and site plan and the Township Planning Commission reports thereon and shall approve, approve with conditions, deny, or table for future consideration, the application and site plan. Changes in the application or site plan desired by the Township Board shall be referred to the Township Planning Commission for review and recommendation prior to the Township Board action thereon. The Township Board may attach conditions to its approval of a “PUD” proposal.
- G. If the application and site plan are approved by the Township Board, the applicant and all owner (s) of record of all property included within the “PUD” shall sign a statement that the approved application and area plan shall be binding upon the applicant and owner (s) of record or their assigned agent (s) and upon their heirs, successors, and assigns, unless future changes mutually agreed to by any future Township Board and future applicant and owner (s) of record or the assigned agent (s) or their heirs, successors and assigns.

Section 16.07 – Supplementary Development Standards and Regulations

The following requirements expand upon and/or in addition to the requirements detailed in Article SEVEN “Site Plan Review Procedures” They shall, in all cases, be adhered to by developments in a “PUD” district.

- A. **District Location and Minimum Size**
 - 1. All development in this district shall be limited to tracts of land having an area of at least the minimum number of acres required for the respective types of “PUD” Districts.
 - 2. All development in this district shall be restricted to sites having access to a hard surfaced roadway and accepted and maintained by the County Road Commission, except for R-1, R=2 and Planned Unit Development Districts.
- B. **External and Internal Circulation and Access**
 - 1. Access points to a “PUD” development shall be located no less than five hundred forty (540) feet apart when measured parallel to the adjoining roadway, and in no case shall any such point of ingress or egress be closer than two hundred seventy (270) feet either side lot line of the parcel.
 - 2. Each lot or principle building shall have internal vehicular access from a public street or private street approved by the Township Board.
 - 3. Each lot or principle building shall have pedestrian access from a public or private sidewalk, where deemed necessary by the Township Board, upon

recommendation of the Township Planning Commission, as part of the site plan.

4. As property is developed as a “PUD” Planned Unit Development District, a pathway system linking all principle residential, commercial and industrial units both with on-site amenities (e.g., recreation areas, shopping, places of employment) and (unless it is demonstrated to the Planning Commission that such a system would be inappropriate or unnecessary to the development) with adjoining parcels must be provided. The pathway system shall be designed so as to be appropriate to non-motorized transport modes (e.g., bicycling, walking). The pathway shall be no less than four (4) feet in width and it shall be constructed of materials (e.g., crushed limestone) suited to walking and to non-motorized vehicular use.
5. Standards of design and construction for public and private streets may be modified to adequately provide the service required. Right-of-way standards may also be modified, especially where the site plan provides for separation of pedestrian and vehicular traffic and adequate off-street parking facilities. Modifications of proposed public streets shall first be approved by the County Road Commission Engineer.
6. Public and private streets shall be designed and constructed according to established standards for public streets as established by the County Road Commission except that such standards may be modified as provided in Subsection **16.06 B, 5**. If private streets are to be dedicated to a public agency in the future, the applicant (s) shall first agree to bear the full expense of making the streets suitable for public acceptance.

C. Open Space Regulations

1. A land, water or land/water area constituting not less than twenty-five (25%) percent of the total (a) land area, or (b) land area, plus no more than 300 feet into or no more than one-half (1/2) the width or distance across, a natural surface water area of the waterfront parcel shall be designed as permanent open space. The required open space must be set aside by the developer in the form of an irrevocable conveyance whereby the open space area must be developed according to the approved site plan and may never be changed to any other use. Further, this conveyance must provide that the open space is for the use and enjoyment of the residents, occupants and users of the district and such open space shall be considered as an integral component of the over-all Planned Unit Development. The developer shall provide for perpetual and mandatory maintenance of the open space through the use of deed restrictions which shall provide for participation in said maintenance cost by each resident (be they residential or commercial) within the Planned Unit Development.
2. Buildings, parking lots, drives and similar improvements may be permitted in open space areas if related and necessary to the function of the open space. Other building and improvements shall be prohibited therein.

3. Open space areas shall be conveniently located in relation to dwelling units and functions intended.
4. Open space areas shall have minimum dimensions which are usable for the functions intended and which will be maintainable.
5. The Township Board may require upon recommendation of the Planning Commission, that unique natural amenities such as ravines, rock outcrops, wooded areas, tree or shrub specimens, unusual wildlife habitats, ponds, streams, and marshes be preserved as part of the open space system.

D. Landscaping and Parking

1. The parking and loading requirements set forth in Article NINETEEN , “Off-street Parking” herein, shall apply except that the number of spaces required may be reduced if approved by the Township Board, upon recommendation of the Planning Commission, (pursuant to the requirements detailed in Article NINETEEN) as part of the site plan. Such reduction shall be based upon specific findings.
2. A landscaped strip no less than twenty (20) feet in width shall be required when a freestanding physical structure containing a commercial and/or office use is located adjacent to a residential use. The strip shall be located between the two uses and shall be landscaped with trees and ground cover.

E. Utilities

1. Each principle building shall be connected to public or common water and sanitary sewer lines or to on-site facilities approved by the Township Board.
2. All development will be required to provide adequate fire protection system as determined and approved by the Township Fire Department and Township Board. In all cases where an on-site system is proposed, detailed drawings, plans and/or other background materials as well as written approval from the appropriate county or state agencies must be presented to the Planning Commission before action can or will be taken on any “PUD” request.
Maintenance of any and all approved common on-site systems shall be ensured by use of deed restrictions which shall provide for participation in maintenance costs by each owner of the Planned Unit Development served by such a system.
3. Each site shall be provided with adequate storm drainage. Open drainage courses and storm water retention ponds may be permitted.
4. Electrical, telephone, and cable television line shall be placed underground. Surface mounted equipment for underground wires shall be shown on the final site plan and shall be screened from view.
5. Standard sidewalks and/or a system of street lights may be required of developments in the “PUD” district. Maintenance of either shall be

ensured through implementation of a system of deed restrictions providing for participation in maintenance cost by all owners of the development.

F. Site Design, Layout and Density Criteria

1. All density requirements shall be completed on a total gross area basis, less water area, unless the water area is completely enclosed on the parcel.
2. Existing natural water area (i.e., streams, ponds, lakes and/or similar water bodies) may be included in density calculations up to 300 feet of their surface width as measured from the shoreline, or where such water areas are proposed for construction by the applicant, fifty (50%) percent of the total water area to be constructed may be included surface water area exceed 20% of the total land area of the PUD or single or combination of phases of the PUD.
3. Residential areas may contain several different types of dwelling units if it can be demonstrated to the satisfaction of the Planning Commission that the proposed combination by type will not interfere with the reasonable platting of any area to be platted.
4. All principle buildings and all accessory buildings or structures shall be located at least one hundred (100) feet from any exterior public road right-of-way line, private road and/or area to be platted.
5. The outdoor storage of goods and materials shall be prohibited in the “PUD” Planned Unit Development District.

G. Legal Mechanisms to Ensure Facility and Open Space Maintenance

1. Legal instruments setting forth the manner of permanent maintenance of common area and facilities shall be submitted to the Township Attorney for review before the Township Board approves a final site plan or final plat.
2. Where a Home Owners Association (HOA) or an Association of Commercial Establishments (ACE) or Association of Industrial Establishments (AIE) is to be used to maintain common area and facilities, the developer shall file a declaration of covenants and restrictions that will govern the HOA, ACE or AIE with the site plan. The provisions shall include, but shall not be limited to, the following:
 - a. The HOA, ACE, or AIE shall be established before any building or structure in the “PUD” are sold or occupied.
 - b. Membership in the HOA, ACE, or AIE shall be mandatory for each building unit buyer and for any successive buyer and shall be so specified in the covenants.
 - c. Restrictions shall be permanent.
 - d. The HOA, ACE, or AIE shall be made responsible for liability.
 - e. Building unit owners shall pay their pro-rata share of the costs and this requirement shall be specified in the covenants. Assessment levied by the HOA, ACE, or AIE may become a lien on the individual properties.

H. Project Phasing

1. If the proposed development is to be constructed in phases, a narrative description of that phased process that describes all work to be done in each phase should be submitted to the Planning Commission when the site plan is submitted.
2. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, and open spaces and recreation facilities.

Section 16.08 – Standards For Review

The Planning Commission shall determine and shall provide evidence in its report to the Township Board to the effect that the application, site plan and supplementary informational materials submitted by the applicant meet the following standards:

- A. The proposed development shall conform to the Township Land Use Plan or any part thereof, or represents land use policy which, in the Planning Commission’s opinion, is a logical and acceptable change in the Township Land Use Plan or land use policy.
- B. The proposed development shall conform to the intent and all regulations and standards of a “PUD” District.
- C. The proposed development shall be adequately served by Public facilities and services such as: highways, streets, sidewalks, street lights, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal; or that the persons or agencies responsible for the proposed development shall be able to properly provide such facilities and services.
- D. Common open space, other common properties and facilities individual properties, and all other elements of a “PUD” are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands.
- E. The applicant shall have made provision to ensure that public and common areas will be or have been irrevocable committed for that purpose. Provisions shall have been made to provide for financing of improvements shown on the plan for open space and other common areas and facilities, and that proper maintenance of such improvements is ensured.
- F. Traffic to, from, and within the site will not be hazardous or inconvenient to the project or to the surrounding area. In applying this standard the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic; relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the surrounding area.

- G. The mix of housing unit types and densities, and the mix of residential and non-residential uses shall be acceptable in terms of convenience, privacy, compatibility, and similar measures.
- H. The Planning Commission shall determine, where applicable that noise, odor, light or other external effects which are connected with the proposed use, will not adversely affect adjacent and surrounding area land and uses.
- I. The proposed development shall create a minimum disturbance to natural features and land forms.
- J. Streets shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each street. The property shall have adequate access to public streets. The plans shall provide for logical extensions of public streets and shall provide suitable street connections to adjacent parcels, where applicable.
- K. Pedestrian circulation shall be provided within the site and shall interconnect all use areas where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the site and to the edges of the “PUD” where applicable.

Section 16.09 – Amendments to Site Plan

Preliminary and final site plan may be amended in accordance with the process detailed in Section 7.11 of Article SEVEN “Site Plan Review”.

Section 16.10 – Subdivision Plats

The Township Board shall have the authority to deny or table an application for tentative approval of a preliminary plat if, in its opinion and after a report thereon from the Planning Commission, such plat will result in premature development of the area involved, or will result in improper scheduling of various public improvements such as, but not limited to, roads, utilities, and schools.

Section 16.11 – Extension of Time Limits

Time limits set forth in Article SEVEN “Site Plan Review” may be extended upon showing a good cause, and by written agreement between the applicant and the Planning Commission.

Section 16.12 –Performance Guarantees

Performance guarantees shall be provided in accordance with Section 7.16 of Article SEVEN “Site Plan Review”.

Section 16.13 – Violations

Violations shall be dealt with in the manner detailed in Section 7.17 of Article SEVEN “Site Plan Review”.

ARTICLE SEVENTEEN

Nonconforming Land, Building and Structural Uses

Section 17.01 – Purpose

It is the intent of this Ordinance to permit the continuance of a lawful use of any building or land existing at the effective date of this Ordinance, although such use of land or structure may not conform with the provisions of this Ordinance. Further, it is the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded, or extended, nor used as grounds for adding other structures or uses prohibited elsewhere in the same districts. The continuance of all nonconforming uses and structures within the Township shall be subject to the conditions and requirements set forth in this Section.

Section 17.02 – Continuance of Nonconforming Uses

A. Structural Changes

The building that is nonconforming shall not be structurally changed, or enlarged unless the resultant changed, altered, or enlarged building conforms to the provisions of this Ordinance for the district in which it is located except as provided below.

B. Repairs

Any lawful nonconforming building may be repaired, reinforced, or reconstructed during its life to correct deterioration, obsolescence, depreciation, and wear, provided that such repair does not exceed 50% of the total square feet of the building unless the subject building is changed by such repair to a conforming building or structure.

C. Alterations and Improvements

Nothing in this Ordinance shall prohibit the alteration, improvement, or modernizing of a lawful nonconforming building, provided that such alteration does not increase the height, area, bulk, or use of the building and provided that such improvements do not exceed 50% of the total square feet of the building unless the subject building is changed by such improvement to conforming structure.

D. Prior Construction Approval

Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance, provided that construction is carried on diligently and without interruption for a continuous period in excess of 30 days; and that the entire building shall have been completed according to the plans filed with the permit application within two (2) years after the issuance of the building permit.

Section 17.03 – Restoration of Damage

Any lawful nonconforming use damaged by fire, explosion, or an act of God, or by other causes may be restored, rebuilt, or repaired.

Section 17.04 – Discontinuance or Abandonment

Whenever a nonconforming use has been discontinued for one (1) year, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming use. At the end of this period of abandonment, the nonconforming use shall not be reestablished, and any future use shall be in conformity with the provisions of this Ordinance.

Section 17.05 – Reversion to a Nonconforming Use

If a nonconforming use is changed to a use permitted in the district in which it is located, it shall not revert or be changed back to a nonconforming use.

Section 17.06 – Displacement of a Conforming Use

No nonconforming use shall be extended to displace a conforming use.

Section 17.07 – Change to Another Lesser Nonconforming Use

The Township Zoning Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, provided the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which it is being replaced.

Section 17.08 – Illegal Nonconforming Uses

Those nonconforming uses which are created after the effective date of this Ordinance shall be declared illegal nonconforming uses and shall be discontinued following the effective date of this Ordinance. Uses which were illegal under a prior Ordinance and which do not conform to this Ordinance shall continue to be illegal.

Section 17.09 – Changes in Zoning District

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district or another classification, the foregoing provision shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

Section 17.10 – Elimination of Nonconforming Uses

The Township Board may acquire properties on which nonconforming buildings or uses are located, by condemnation or other means, and may remove such uses or structures. The resultant property may be leased or sold for a conforming use or may be used by the Township for a public purpose. The net cost of such acquisition may be assessed against a benefit district, or may be paid from other sources of revenue.

Section 17.11 – Nonconforming Lots and Parcels

In any district in which single family dwelling are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record recorded with the Register of Deeds at or before the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions , setbacks and other requirements not involving area or width, or both, of the lot, shall conform to the regulations for the district in which such lot is located, unless a yard requirement variance is obtained through approval of the Zoning Board of Appeals.

ARTICLE EIGHTEEN

Supplemental Regulations

Section 18.01 – Purpose

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of each zoning district, but which may be common to several districts in which they are permitted to be located.

Section 18.02 – Accessory Building Provisions

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

- A. An accessory building on waterfront property in the R-2, R-3, R-1, and NSC districts shall not exceed the height of the main structure.
- B. No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than six (6) feet to any rear lot line except on waterfront property where zoning requirements will be met. In those instances where the rear lot line is in common with an alley right-of-way, the accessory building shall not be closer than five (5) feet to such rear lot line. In no instance shall an accessory building be located within an indicated easement or right-of-way.
- C. A detached accessory building on waterfront in the R-2,R-3,R-1, NSC district shall not exceed on (1) story or twenty-five (25) feet in height providing that the total coverage does not exceed 30% of lot coverage and all setbacks are met.
- D. Mobile home, trailers cannot be used as accessory buildings or for permanent storage.
- E. Carports, both manufactured and on-site construction shall be allowed in all zoning districts if the lot is a minimum of 10,000 square feet; must meet all setbacks and must be properly anchored. They shall not be erected in any front yard. Lakefront carports must be constructed on-site and resemble the main structure. (4/11)

Section 18.03 – Setback for Building and Structures Located on Corner Lots or Parcels

When a principle or accessory building is located on a corner lot, all buildings and structures shall be setback from all road right-of-way lines as required for all other buildings and structures located on other lots and parcels fronting on each of the roads, except when corner lot is located on a road end or dead end, a side yard set back shall be ten (10) feet instead of the normal thirty (30) feet required in the districts.

Section 18.04 – Use of Yard Space

No yard surrounding a dwelling, building or structure utilized for dwelling purposes, except farm dwellings, shall be used, occupied or obstructed by accessory buildings or structures, either permanently or temporarily; provided however, that a side or rear yard may be used for the parking of no more than five (5) licensed automobiles in active service but may not be used for the location, parking, disposition, storage, deposit, or dismantling in whole or in part of junked vehicles, machinery, second-hand building materials, or other discarded, unused or rubbish-like materials or structures.

Section 18.05 – Accessory Buildings as Dwelling

No building or structure on the same lot with a principle building shall be used for dwelling purposes, except as specifically permitted in this Ordinance.

Section 18.06 – Basement as Dwelling

No basement structure shall be used for human occupancy unless a completed story is situated immediately above the basement structure and is used as a dwelling, except underground homes designed and built in accordance with the Construction Code in effect in the Township.

Section 18.07 – Visibility at Intersections

No fence, wall, hedge, screen, sign, vegetation or planting shall be higher than three (3) feet above road grade on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting road right-of-way lines and a straight line joining the two road lines at points which are thirty (30) feet distant from the point of intersection, measured along the road right-of-way lines.

Section 18.08 – Road Closures

Whenever any road, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation, and all area included therein shall henceforth be subject to all appropriate regulations of that district within which such area is located.

Section 18.09 – Height Regulations

The height requirements established by this Ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance: spires, belfries, penthouses, and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, power lines, radio, television and other communication broadcasting and receiving antennae not directly linked to residential structures, silos, wind-driven electricity generators, parapets and other necessary mechanical appurtenances; provided, their location shall conform where applicable to the requirements of the Federal Communications Commission, other public authorities have jurisdiction and any regulations established by authorized state, county and Township agencies.

Section 18.10 – Fences, Walls and Screens

Within the limits of a side or front yard space of a lot; no fence, wall (other than necessary retaining wall), or other screening structure shall be higher than four (4) feet. No such fence or wall located within a rear yard shall exceed eight (8) feet in height, except as required in Section 18.07.1 No solid wall, fence or screen shall be permitted in a lake front or river front yard which obstructs the view of the lake or river from any adjacent residential lot or parcel.

Section 18.11 – Essential Services

- A. This shall include the erection, construction, alteration or maintenance by public utilities, municipal departments, or other governmental agencies of underground or overhead gas, electrical, communication, steam, or water transmission or distribution systems or collection, supply or disposal systems; including electric power stations, relay stations, gas regulator stations, pumping stations, poles, wires, mains, policy or other call boxes, traffic signals, hydrants and other similar facilities, equipment and accessories in connection therewith reasonably necessary for furnishing adequate service by such utilities or agencies, or for the public health or safety or general welfare; but not including offices and buildings or yards used for bulk storage, fabrication, or manufacture of materials used by such utilities or municipal departments or other governmental agencies. No such building constructed as a part of an essential service, shall be used for human occupancy.
- B. The surface of land used for pipeline right-of-ways shall be restored and maintained as near as possible to its original condition prior to the construction of the pipeline.
- C. Essential service in all districts shall meet the requirements of the R-2 Residential District for all buildings, structures and areas used for offices, power generators, power transformers, storage, fabrication or manufacture of materials necessary to the provisions of essential services.

Section 18.12 – Pools, Outdoor, Including Swimming, Wading Jacuzzis, Whirl Pools, Hot Tubs and Ponds, Except Farm Ponds

Private outdoor pools shall be permitted as an accessory use within the rear and side yards only, provided they meet the following requirements:

- A. There shall be a distance of not less than twenty (20) feet between the adjoining property line and outside of the pool wall.
- B. There shall be a distance of not less than five (5) feet between the outside pool wall and any building located on the same lot.
- C. No pool shall be located less than fifty (50)) feet from any front lot line.

- D. If electrical service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation of wires before a permit shall be issued for the construction of a pool.
- E. No pool shall be located in an easement.
- F. For the protection of the public, all yards containing pools shall be completely enclosed by a fence not less than four (4) feet in height. The gate shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the Zoning Administrator upon inspection and approval.

Section 18.13 – Home Occupations

Home occupations shall be permitted in all detached single family residential dwelling and include such customary home occupations as hairdressing, millinery, dressmaking, bookkeeping and accounting service, real estate and insurance sales; professional office and other similar occupations and other home occupations including incidental retail sales not to exceed 25% of the gross sales of the business, legally operating in detached single family homes at the time of adoption of this zoning ordinance.

- A. The non-residential use shall be only incidental to the primary residential use.
- B. The occupation shall utilize no more than twenty-five (25%) percent of the ground floor or basement floor area of the principle structure or an accessory building.
- C. Only normal domestic or household equipment an equipment characteristic of small workshops, business's and professional offices shall be used to accommodate the home occupation.
- D. The home occupation shall involve no employees other than members of the immediate family.
- E. All activities shall be carried on indoors. No outdoor activities except for child day care centers or storage shall be permitted.
- F. No alterations, additions, or changes to a principle structure which will change the residential character of the dwelling structure shall be permitted in order to accommodate or facilitate a home occupation.
- G. There shall be no external evidence of such occupations, except a small announcement sign not to exceed two (2) square feet in area in an R-1, R-2, and MFR District, and ten (10) square feet in area shall be permitted in the RD and AG Districts and is not required to be attached to the principle structure.

- H. The permission for home occupation as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such permission is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of home occupations.
- I. Retail sales are permitted as a home occupation provided they meet the requirements of the above. Sections **A-H** and the provisions of Article **FIFTEEN** “Special Uses”.

Section 18.14 – Temporary Buildings and Structures

Temporary buildings and structures, including informational, for sale and similar signs, are permitted during the period of construction, and sales involving change of ownership or rental occupancy. Such buildings, structures and signs shall be removed upon completion or abandonment of construction, sale or rental activities and prior to occupancy and use of the building or structure for permitted uses. Prior to the issuance of a permit for temporary buildings and structures the applicant must deposit to the credit of the Township a \$3000 performance bond, cash deposit of \$500 or a letter of credit in the amount of \$500 from an incorporated financial institution or bonding company licensed to do business in the state of Michigan. Temporary signs having an area of less than 24 square feet shall be excluded from this provision.

Section 18.15 – Solid Waste Receptacle Areas

Truck-lifted or transported receptacle areas: all such receptacle areas shall be enclosed by a six (6) foot high wooden or masonry wall to prevent the unsightly deposit or collection of solid waste and prevent children and pets from having access to these areas.

Section 18.16 –Exterior Lighting

All sources of lighting for parking areas or for the external illumination of buildings or grounds or for the illumination of signs, shall be directed away from and shall be shielded from adjacent residential districts, and shall also be so arranged as to not affect driver visibility adversely on adjacent public roads and highways. Lighting of parking area is required when the number of parking spaces is more than five (5).

Section 18.17 – Driveway Entrances and Gates

In driveway entrances or gateway structures; including, but not limited to, walls, columns and gates marking driveway entrances to private or public uses may be permitted; and may be located in a required yard, except as provided in Section **18.07** “Visibility at Intersections”, provided that such entranceway structures shall comply with all codes and ordinances of the Township and County and shall be approved by the Zoning Administrator.

Section 18.18 – Frontage Access Roads

Ingress and egress from frontage access or service roads for all uses permitted in NSC, CSC, and I districts fronting on major intercommunity and local arterial as defined and designated by the Township Planning Commission are required in order to promote efficient use of thoroughfares and to decrease hazardous traffic conditions, the following regulations shall apply to the use of all land fronting upon these major thoroughfares, except for existing uses located upon existing lots and parcels. If isolated parcels are to be developed in undeveloped Commercial District and there are limited prospects for immediate development of adjacent lots and parcels, the Township Board may upon request from an applicant require the posting of an acceptable financial guarantee from the applicant equal to the amount of the estimated cost of the frontage access road. However, upon the application for development and use of an adjacent lot or parcel having the same or connecting frontage the applicant will be required to build the frontage access road.

- A.** Connecting service roads shall be required between parking areas on adjacent land uses.
- B.** Owners of all property shall submit to the Township a properly executed and witnessed license agreement which give the Township Board the authority to open and close service roads and driveways whenever necessary in order to guarantee to the satisfaction of the Township Board a safe and efficient movement to traffic. The said license shall be recorded in the office of the County Register of Deeds. Acceptance of the said license shall, in no way, obligate the Township to build, repair, maintain, or close the said service roads and/or parking area. The intent of this subsection is to allow the Township to enforce its traffic ordinance or promote traffic safety on the said service roads and parking areas, and otherwise facilitate the safe and efficient movement of traffic thereon.
- C.** No less than two (2) driveways at least 20 feet in width shall be available to such coordinated parking areas and service road systems; provided that said driveways shall be at least 300 feet apart and have appropriate designated acceleration and deceleration lanes; provided further, this requirement may be waived by the Township Planning Commission where the needs of a particular use do not require it and when traffic hazards will not be increased by such a waiver.
- D.** All requirements shall apply only to the full width of the developed portion of a lot or parcel or when developed adjacent to an existing use. The purpose of this subsection is to minimize the length of service roads in relation to the actual developed area of a lot or parcel and the number of parking spaces, and to promote their construction as they are needed.
- E.** Parking lots, driveways and service roads shall at least be surfaced with processed road gravel and maintained in a useable dust free condition.
- F.** Parking area layout shall follow standards prescribed in this Ordinance.
- G.** Service roads and driveways shall be at least paved with processed road gravel and have a width of twenty (20) feet.

- H. At its discretion, the Planning Commission may recommend to the Township Board that, if a lot or parcel is not in need of a frontage access road because it is the only lot or parcel developed or under development in a Zoning District which requires such access roads or the development of the lot or parcel can function in relation to adjoining lots and parcels until such time as two (2) contiguous lots or parcels need to provide such an access road, the owners/developers of such parcels need not construct such access roads, but will be required to reserve in a sufficient setback from all roads an area capable of constructing such an access road at a later date; providing that the owner/developer provides the Township Board with an adequate financial guarantee to cover the total estimated cost of constructing such an access road at a later date. e.g. when the frontage access road in the judgment of the Planning Commission and Township Board the access road is needed.

Section 18.19 – (Deleted 08/19/09)

Section 18.20 – Temporary Transient Uses

Temporary transient use of an existing land site, building or structure may be permitted in any district upon approval of a Site Plan Review by the Planning Commission, and upon finding that the location of such an activity will not adversely affect possible health, safety and general welfare in the district in which it is to be temporarily located. All temporary transient uses, if approved by the Planning Commission, shall have a reasonable time limit placed upon their use based upon the normal periods of time such uses need to exist for an expressed number of days authorized by the Planning Commission. Temporary transient uses may be granted a permit on the basis of compliance with the criteria stated in Section SEVEN “Site Plan Review”. Upon authorization, the Zoning Administrator shall issue a permit which will cause compliance with this Ordinance and any specified conditions required by the Planning Commission.

Section 18.21 – Fences

- A. The erection, construction, or alteration of any fence or other type of protective barrier shall be approved through permit by the Zoning Administrator as to their conforming to the requirements of the zoning districts wherein they are required because of land use development.
- B. Fences in an RD and AG district are exempt from the provisions of this Ordinance, except when required for specific principle or accessory uses and special uses.
- C. Any existing fence not in conformance with this Ordinance shall not be altered or modified, except to make it more conforming.
- D. Fences which are not specifically required otherwise under the regulations for the individual zoning districts, shall conform to the following requirements:
1. No fence shall hereafter be erected along the line dividing lots or parcels of land or located within any required rear yard in excess of eight (8) feet in

- height above the grade of the surrounding land, except as provided in Section **18.10**. Side and front yard fences shall not exceed four (4) feet in height.
2. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, electric current or charge in said fences is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or whenever deemed necessary in the interests of public safety.
 3. In an "I" Industrial District, no fence shall exceed twelve (12) feet in height.
 4. Fences on all lots in R-1, R-2,R-3 and MFR Residential Districts which extend along the side yard or toward the front of the lot, past the front line of the main building, shall not exceed four (4) feet in height.
 5. No fence or structure shall be erected, established or maintained on any corner lot except as provided in Section **18.07**.

Section 18.22 – Walls and Protective Screening

In order to provide adequate protective screening for residential area adjacent to or near nonresidential areas, the following regulations shall apply:

- A. Where an NSC, CSC, and I District abuts directly upon an R-1, R-2,R-3 and MFR residentially zoned district, or residentially used property in any district, a landscaped greenbelt as defined below, shall be provided and maintained along its entire length by the users of the said business, commercial, or industrial zoned property. In addition, the latter mentioned districts shall be screened from such contiguous, residentially zoned district by either a building which houses a permitted use, or else by a solid masonry wall four (4) to six (6) feet in height above grade, between said greenbelt area and the business, commercial or industrial use. Such greenbelt shall be a strip of land not less than twenty (20) feet in width which is planted and maintained with evergreens such as spruce, pines or firs from 5 to 6 feet in height, so as to create a permanent buffer; or a hedge of evergreens not less than four (4) feet in height, so as to create permanent buffer. These plants shall be planted and shall reach such required height within five (5) years of approval of the site plan or development by the Township. The remainder of the landscaped area which is not planted with the aforementioned stock shall be in well-kept lawn. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance. Such walls for shielding off-street parking or storage areas shall not be required when such areas are located more than 200 feet from such abutting residential use or district.
- B. Required walls shall be located on the property line, except as otherwise approved by the Planning Commission. Such walls, may upon approval by the Planning Commission, be located on the opposite side of an alley right-of-way from a nonresidential district which abuts a residential district whenever the affected owners also agree. When vehicles or open air displays generally exceed a five (5) foot height said wall shall be increased to a height not to exceed ten (10) feet, providing further that all such walls shall be of uniform height around the premises and the design of such wall is first approved by the Zoning Administrator.

- C. Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise approved by the Planning Commission. Masonry walls, however, may be constructed with small dispersed openings which do not collectively exceed twenty (20%) percent of such openings shall be subject to approval by the Zoning Administrator.

Section 18.23– Use of Recreation Vehicles as Temporary Dwellings by Visitors(Deleted 08/19/09)

Section 18.24 – Building Grades

The finished surface of the ground areas outside the walls of any building constructed or altered shall be so designed that surface waters shall flow away from the building walls in such a direction and collection that inconvenience or damage to adjacent properties shall not occur.

Section 18.25 – Moving Buildings

Buildings may not be relocated within or moved into the Township unless the building design and construction are compatible with the general architectural character of other structures located in the immediate area of the proposed site. Permits shall be required from the Zoning Administrator for such buildings to be moved.

Section 18.26 – Television Satellite Dish Antennas

All television satellite dish antennas are designated accessory uses to the principle uses permitted on each lot or parcel in each respective zoning district, and are governed by the same requirements as any other accessory use permitted in each zoning district. Satellite dishes shall not be located in the front yard of the principle structure.

Section 18.27 – Use of Financial Guarantees to Temporarily Delay Construction Requirements

If, in the judgment of the Planning Commission, during the course of Site Plan Review Procedures, it appears prudent to permit the delay of constructing certain provisions as required in this Zoning Ordinance, the Planning Commission may grant such a delay to a specific future date provided that the applicant/owner submits a satisfactory financial guarantee to the Township Board. The financial guarantee shall remain in effect prior to or coincident with the issuance of the zoning permit and shall remain in effect until the requirements so delayed are fully completed and approved by the Zoning Administrator.

Section 18.28 – Household Pets

Small domesticated household pets, such as dogs, cats and birds are limited to the maximum number existing in dwelling units in the Township which is generally not more than two (2); however, if more than two (2) are desired, as long as all other County, State and Federal laws are complied with, and an additional area of land equal to one-sixth (1/6) acre for each additional animal are permitted in RD, AG, and R-1 Districts.

Section 18.29 – Non-commercial Domestic Animals

Large domestic animals which are used essentially for pet contest, riding, educational or other special purpose as individual animal specimens are permitted at the rate of one (1) on a minimum of three (3) acres for the first animal and one (1) acre for each additional animal are permitted in RD, AG, and R-1 districts.

Section 18.30 – Bed and Breakfast Business in Homes

Temporary transient, tourist or vacation visitors or guests are permitted in all single family residences. The minimum size of the dwelling unit for guests shall be computed on the basis of the rooms which can be used as extra bedrooms after those required for the owner/operators have been subtracted, and at the rate of one (1) or two (2) guests per extra bedroom. The ratio of two (2) bedrooms to one (1) bathroom shall be required within the dwelling. Adequate dining facilities shall be computed at the rate of one (1) and one-half guests per room at one sitting for the total number of guest rooms available. Off-street parking shall be at least gravel surfaced and shall be computed at two (2) parking spaces for the owner/operator, and one (1) for each employee and one (1) each guest room. If adjacent to single family residential structures a six (6) foot high screening buffer area of at least ten (10) feet in width shall be constructed and maintained between the Inn and the strip of 50% evergreens and 50% deciduous shrubs and trees, a berm with trees, shrubs and ground covers on it, or a decorative fence or wall.

Section 18.31 – Dwelling Unit Cross-section and Floor Area Requirements

In all R-1 and R-2 districts adjacent to lakes all dwelling units shall have at least one (1) cross-section of at least twenty (20) feet and at least one (1) portion of the ground floor area shall have an area at least twenty (20) feet by dwelling units shall have at least one (1) cross-section of at least twelve (12) feet and at least one (1) portion of the ground floor area shall have an area at least twelve (12) feet by twenty (20) feet.

Section 18.32 – Yard Sales

Shall be limited to the sale of items from the dwelling and accessory structure located upon the lot or parcel upon which the yard sale is being conducted. The number of yard sales which can be conducted from any one dwelling location is three (3) per year, and shall be limited to seven (7) days each.

Section 18.33 – Truck, Car, Tailgate and Temporary Location Sales

Shall be permitted only in Commercial Zoning Districts providing they meet the following conditions:

- A. There shall be only one truck, car or trailer or other means of such sales per lot or parcel.
- B. There shall be safe ingress and egress from a public road.
- C. There shall be adequate off-street parking for customers.

- D. If such sales are conducted on a lot or parcel where permanent commercial activities are located, the truck or other means of sales shall be located in accordance with all yard requirements for setbacks and shall not reduce the normal off-street parking requirements for the permanent commercial use.
- E. Such sales shall operate only during normal daily shopping hours, as determined by the hours of operation of other retail outlets on the same or adjacent parcels
- F. Such sales operations are required to obtain a zoning permit from the Zoning Administrator for the length of time and number of days they will be located on the site.

Section 18.34 – Single Family Earth Homes

Single family earth homes are permitted in the RD, AG, R-1, and R-2 districts, as long as they meet all of the requirements of the district in which they are located and the bottom edge of the earth berms surrounding the building or structure meet the height and yard setback requirements for all yards.

Section 18.35 – ~~Solar Buildings~~ Solar Energy Conversion Systems (added 3/2018)

~~Solar buildings are permitted in all districts as long as the glare from exterior reflective solar panels is deflected so as not to cause glare to be transmitted to adjacent properties below the maximum height established for each district.~~

It is the intent of Plainfield Township to permit these systems by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of solar energy collectors. Building-mounted and ground-mounted solar energy collectors, as defined in this Ordinance, shall comply with the provisions of this Section. Compliance of all solar energy systems with Township Construction code, the electrical code and other applicable Township Construction codes is also required.

A. Definitions.

Community Scale Solar Energy Systems: A medium scale system that is installed at a host site, or as the principal use on undeveloped land. They require a special use permit to install. These systems are small to moderate scale (typically less than 100kWh). They are typically 5-80 kWh. They are built at the site of use and may be rooftop or ground mounted. The system consists of a shared private ownership that is built at a centralized site to provide for the energy usage of a single development or common area. These systems provide electricity to the host or are fed into a grid via net metering.

On Site Solar Energy System: A small scale rooftop or ground mounted system. These systems are single private ownerships that are used to replace or supplement utility-grid electricity. These small scale systems are typically 2-8 kWh for residential or 5+ kWh for nonresidential systems. Installed on-site accessory to a principal use.

Solar Energy System: A solar photovoltaic cell, panel, or array that converts solar energy to usable thermal, mechanical, chemical, or electrical energy. (Includes Solar Energy Collectors)

Solar Storage Battery: A device that stores energy from the sun and makes it available in an electrical form.

Utility Scale Solar Energy Systems: A large scale solar energy system that is typically measured in megawatts, not kilowatts. They are found at a centralized location and are tied into a utility grid or are for a large private ownership. They provide wholesale energy to a utility provider. Often called *Solar Farms* these utility scale energy systems use either photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies for the primary purpose of wholesale or retail sales of generated electricity off-site.

B. Three sizes of Solar Energy Systems are covered in this ordinance with those being On Site Solar Energy Systems (small), Community Scale Solar Energy Systems (medium), and Utility Scale Solar Energy Systems (large). Discussion of each of these systems follow with additional zoning requirements specific to each. ***Zoning requirements that pertain to all three scales of systems include:***

1. Township building and electrical permits shall be required for installation of all solar energy systems including rooftop & building mounted systems, and ground mounted systems.
 - a. This must include a certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency.
 - b. Solar energy collectors mounted on the roof of a building shall be only of such weight as can safely be supported by the roof. Proof thereof shall be submitted to the Township Building Official prior to installation and will be subject to Building Official's approval.
 - c. Solar energy collectors that are roof-mounted, wall-mounted or are otherwise attached to a building or structure shall be permanently and safely attached to the building or structure. Attachment reliability to be approved by the Township Building Official.
 - d. Ground mounted solar energy systems shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of attachment shall be submitted with the site plan application and shall be subject to the Planning Commission's approval.
 - e. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the Township Building Official prior to installation. The Building Official may inspect the completed installation to verify compliance with the manufacturer's directions.
2. Solar energy equipment shall be located in the least visibly obtrusive location where panels would be functional.
3. Solar energy equipment shall be repaired or replaced within six (6) months of becoming nonfunctional.

4. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
5. Ground mounted solar energy systems may be located in the rear yard and the side yard, but not in the required rear or side yard setbacks. They may not be located in the front yard or the front yard setback.
6. The glare from exterior reflective solar panels must be deflected so as not to cause glare to be transmitted to adjacent or nearby properties below the maximum height established for each district nor may glare be directed to any nearby roadways. This applies at any time of the day. Solar panel shall be generally neutral in color and substantially non-reflective of light.
7. NOISE: No solar farm facilities shall exceed sixty (60) dBA as measured at the property line.
8. BATTERIES: When batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.

C. **On Site Solar Energy Systems.** These are small scale rooftop or free-standing systems. These are installed on-site accessory to a principal use.

1. Rooftop, building mounted, or ground mounted solar energy systems are permitted in all zoning districts except on Site Solar Energy Systems in R-2 & R-3 zoning districts must be roof or wall mounted on a structure found on the parcel.
2. Roof mounted systems shall not extend more than 4 feet above the surface to which it is affixed and shall not exceed the maximum building height limitation for the zoning district in which it is located. No solar energy system may protrude beyond the edge of the roof.
3. Wall mounted solar energy collectors shall not exceed the height of the building wall to which they are attached.

D. **Community Scale Solar Energy Systems.** These are systems installed at a host site, or as the principal use on undeveloped land. They are considered a special use.

1. These systems are allowed in R-1 (with a minimum of 10 acres), Industrial, Agricultural, or Resource Development zoning districts.
2. The following are requirements for a Community Scale System. If mounted rooftop then follow the specifications in Section 18.35B. If free standing/ground mounted then the following are required:
 - a. SETBACKS: All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter security fencing) shall be a minimum of 20 feet from a side or rear property line and a minimum of 30 feet from any road or highway right-of-way.

- b. HEIGHT RESTRICTIONS:
 - 1. Roof mounted systems shall not extend more than 4 feet above the surface to which it is affixed and shall not exceed the maximum building height limitation for the zoning district in which it is located. No solar energy system may protrude beyond the edge of the roof.
 - 2. Wall mounted solar energy systems shall not exceed the height of the building wall to which they are attached.
 - 3. All photovoltaic panels and support structures located in ground mounted solar energy systems shall be restricted to a maximum height of sixteen (16) feet when oriented at maximum tilt. Measured from the ground at the base of such equipment.
- c. MAXIMUM LOT COVERAGE: Maximum lot coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the parcel are subject to maximum lot coverage restrictions of the underlying zoning district.
- d. LANDSCAPING: Where medium scale Community Solar Energy System facility consisting of ground mounted equipment abuts directly upon an R-1, R-2, R-3 and MFR residentially zoned district, or residentially used property in any district, a landscaped greenbelt as defined below, shall be provided and maintained along its entire length by the users of the solar energy conversion system. Such greenbelt shall be a strip of land not less than twenty (20) feet in width which is planted and maintained with evergreens such as spruce, white pines or firs from 5 to 6 feet in height so as to create a permanent buffer, or a hedge of evergreens not less than four (4) feet in height, so as to create a permanent buffer. At the time of planting these plants shall be at least 4 feet in height and shall reach required height within five (5) years of approval of the site plan or development by the Township. The equivalent of one (1) tree shall be required every ten (10) feet of property line. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance.
- e. DECOMMISSIONING: Describe the decommissioning and final reclamation plan after the anticipated useful life or abandonment/termination of the project. This includes supplying evidence of an agreement with the underlying property owner that insures proper removal of all equipment and restoration of the site within six (6) months of decommissioning or abandonment of the project.
 - 1. To ensure proper removal of the project upon abandonment/termination of the project, applicants shall include a description of the financial security guaranteeing removal of the system which must be posted with the Township within fifteen (15) days after approval or before a building or 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, in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the applicant and shall be subject to approval by the Township.

2. If the owner of the project or the underlying property owner fails to remove or repair any defective, abandoned or terminated project, the 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.

f. **ELECTRICAL INTERCONNECTIONS:** All electrical interconnection or distribution lines shall comply with all applicable codes and standard commercial utility requirements. Use of above ground transmission lines shall be prohibited within the site.

E. Utility Scale Solar Energy Systems are installed as a special use on large sites.

1. These systems are allowed in the following zoning districts: Agricultural Resource Development, Industrial, and R-1 (with a minimum of 20 acres).
2. Utility Scale Solar Energy System facilities shall be required to obtain all necessary permits from the U.S. Government, State of Michigan, Iosco County and Plainfield Township, and comply with standards of the State of Michigan adopted codes.
3. No utility scale solar energy system shall be installed until evidence has been given to the Planning Commission that the electric utility company has agreed to allow the property and/or installed system owner to install an interconnected customer-owned generator to the grid.
4. The following are requirements for a Utility Scale System:
 - a. **SETBACKS:** All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter security fencing) shall be a minimum of 20 feet from a side or rear property line and a minimum of 30 feet from any road or highway right-of-way.
 - b. **HEIGHT RESTRICTIONS:** All photovoltaic panels and support structures located in utility scale solar energy system shall be restricted to a maximum height of sixteen (16) feet when oriented at maximum tilt. Measured from the ground at the base of such equipment.
 - c. **MAXIMUM LOT COVERAGE:** Maximum lot coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the parcel are subject to maximum lot coverage restrictions of the underlying zoning district.
 - d. **LANDSCAPING:** Where a Utility Scale Solar Energy System facility abuts directly upon an R-1, R-2, R-3 and MFR residentially zoned district, or residentially used property in any district, a landscaped greenbelt as defined

below, shall be provided and maintained along its entire length by the users of the solar energy conversion system. Such greenbelt shall be a strip of land not less than twenty (20) feet in width which is planted and maintained with evergreens such as spruce, white pines or firs from 5 to 6 feet in height so as to create a permanent buffer, or a hedge of evergreens not less than four (4) feet in height, so as to create a permanent buffer. At the time of planting these plants shall be at least 4 feet in height and shall reach required height within five (5) years of approval of the site plan or development by the Township. The equivalent of one (1) tree shall be required every ten (10) feet of property line. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance.

- e. DECOMMISSIONING: Describe the decommissioning and final reclamation plan after the anticipated useful life or abandonment/termination of the project. This includes supplying evidence of an agreement with the underlying property owner that insures proper removal of all equipment and restoration of the site within six (6) months of decommissioning or abandonment of the project.
 - 1. To ensure proper removal of the project upon abandonment/termination of the project, applicants shall include a description of the financial security guaranteeing removal of the system which must be posted with the Township within fifteen (15) days after approval or before a building or 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, in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the applicant and shall be subject to approval by the Township.
 - 2. If the owner of the project or the underlying property owner fails to remove or repair any defective, abandoned or terminated project, the 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.
 - f. ELECTRICAL INTERCONNECTIONS: All electrical interconnection or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of above ground transmission lines shall be prohibited within the site.
5. ADDITIONAL SPECIAL USE CRITERIA: In addition to the special land use (and site plan) requirements contained in Section 15, the applicant shall address the following topics in the application for solar farm facilities:
- a. Project Description: Identify the type, size, rated power output, performance, safety and noise characteristics of the system including the transmission line/grid connection for the project. Include the name and address of the manufacturer and model. Identify the project construction time frame, project life, development phases and potential future expansions.

- b. As part of the special use site plan approval process a descriptive site drawing shall be provided that includes setbacks, panel size, the location of property lines, buildings, fences, greenbelts, and road right of ways. This site drawing must be drawn to scale.
 - c. Visual Impacts: Graphically demonstrate the visual impact via aerial photo or other media. Provide a proposed landscaping and screening/buffering plan.
 - d. Wildlife: Review potential impact on wildlife on the site. In particular describe any measures being taken to reduce impact to bird species.
 - e. Environmental Analysis: Identify impacts on surface water quality and any impacts to County Drains and/or established natural or private drainage features.
 - f. Waste: Identify any solid or hazardous waste generated by this project.
 - g. Lighting: Provide plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting shall conform to the requirements of Section 18.16 – Exterior Lighting. Light poles are restricted to a maximum height of eighteen (18) feet.
 - h. 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.
 - i. Sound Limitations: Identify noise levels at the property lines of the project when completed and operational.
 - j. Telecommunications Interference: Identify any electromagnetic fields and communications interference that may be generated by the project.
 - k. Life of the Project and Final Reclamation: Describe the decommissioning and final reclamation plan after the anticipated useful life or abandonment/termination of the project. This includes supplying evidence of an agreement with the underlying property owner that ensures proper removal of all equipment and restoration of the site within six (6) months of decommissioning or abandonment of the project.
- F. Excluded from this ordinance and from Township Building Permit approval are the following:
- 1. The installation of one (1) solar panel with a total area of less than eight (8) square feet.
 - 2. Repair and replacement of existing solar energy equipment, provided that there is no expansion of the size or coverage area of the solar energy equipment.

Section 18.36 – Windmills(new section added 4/17/2013)

A: PURPOSE & INTENT

The purpose of this Ordinance is to regulate **Wind Energy Conversion Systems (WECS)** and **Water Producing Windmills (WPW)** constructed within the Township of Plainfield. This is in order to promote the safe, effective, and efficient use of a **WECS** to reduce fossil-fuel consumption in energy production, and preserve & protect public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of **WECS and WPW**.

B: DEFINITIONS

1. An **Anemometer** is a temporary wind speed indicator constructed to analyze the potential for utilizing a WECS at a given site. An **Anemometer** includes, but is not limited to, the **Tower**, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices used to monitor or transmit wind data.
2. **Decibel** is the unit of measure used to express the magnitude of sound pressure and sound intensity. **Decibels** are measured on the dB(A) weighted scale as defined by the American National Standards Institute.
3. **Decommissioning** is the process of terminating operation and completely removing a WECS and all related buildings, Structures, foundations, access roads, and equipment.
4. **FAA** shall mean the Federal Aviation Administration.
5. A **Large Wind Energy Conversion System (LWECS)** is a **Tower-mounted WECS** that exceeds 100 feet in **Total Height**.
6. A **Medium Wind Energy Conversion System (MWECS)** is a **Tower-mounted WECS** with a **Total Height** of not more than 100 feet.
7. **Michigan Tall Structure Act (Act 259 of 1959)** shall govern the height of structures in proximity to airport related uses and is included as a standard in this Article by reference.
8. An **Occupied Building** is a residence, or a school, hospital, church, public library, business, or other building used for public gatherings.
9. **Operator** is the individual or entity responsible for the day-to-day operation and maintenance of a **WECS**.
10. **Owner** is any individual or entity with an equity interest in the **WECS**.
11. **Rotor Diameter** is the cross-sectional dimension of the circle swept by the rotating blades of a **WECS**.
12. **Shadow Flicker** is the moving shadow created by the sun shining through the rotating blades of an **MWECS** or **LWECS**.
13. A **Small Tower-Mounted Wind Energy Conversion System (STMWECS)** is a **Tower-mounted WECS** with a **Total Height** of not more than 35 feet.
14. A **Structure** is any building or other structure, such as a municipal water tower, that is at least 12 feet high at its highest point of roof and is secured to frost footings or a concrete slab.
15. A **Small Structure-Mounted Wind Energy Conversion System (SSMWECS)** is a **WECS** with a **Total Height** of not more than 15 feet and that is attached to a **Structure's** roof, walls, or other elevated surface.
16. **Total Height**
 - a. **LWECS, MWECS, STMWECS:** Total Height is the vertical distance measured from the ground level at the base of the Tower to the maximum height reached by any part of the WECS.
 - b. **SSMWECS:** Total Height is the distance measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances, to the furthest outward extension of any part, unless specifically provided otherwise.
17. A **Tower** is a freestanding monopole that supports a **WECS**.
18. A **Wind Energy Conversion System (WECS)** converts wind energy into electricity through the use of equipment that includes any base, blade, foundation, generator, nacelle, rotor, Tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A **WECS** includes any **LWECS, MWECS, STMWECS, or SSMWECS**.

19. A **Water Producing Windmill (WPW)** pumps water from the ground utilizing wind energy to facilitate the pumping process. These windmills are typically the size of MWES or STMWECS systems.

C: REQUIREMENTS FOR ALL WECS

1. Visual Appearance
 - a. A WECS must be non-reflective and non-obtrusive in color (e.g. white or gray), and its design must conform to all applicable industry standards. The appearance of the turbine, Tower, and any ancillary facility must be maintained throughout the life of the WECS.
 - b. A WECS may not include artificial lighting, except as necessary for reasonable safety and security, including as required by the FAA or other authority.
 - c. A WECS may not be used to display any advertising, except for unobtrusive identification of the turbine manufacturer.
2. Ground Clearance: The lowest extension of any blade or other exposed moving component of a WECS shall be at least 25 feet above the ground for LWECS & MWECS systems; 15 feet above the ground for STMWECS & SSMWECS systems, and at least 15 feet above any outdoor surface intended for human use, such as a balcony or roof garden located directly below the WECS.
3. Noise
 - a. Ambient Sound Level is the amount of background noise at a given location before the installation of a WECS. Ambient Sound Level may include, but is not limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The Ambient Sound Level is measured in Decibels. For purposes of this Ordinance, Ambient Sound Level is measured between 9:00 p.m. and 9:00 a.m.
 - b. Noise emanating from the operation of a WECS in a residential-use parcel, an agricultural-use parcel, or a park, school, hospital, or church may not exceed the lowest Ambient Sound Level present at any property line.
 - c. Noise emanating from the operation of a WECS in all other parcels may not exceed the lowest Ambient Sound Level plus 5 dB(A) present at any property line.
 - d. In the event audible noise from the operation of the WECS contains a steady pure tone, the standards for audible noise set forth above in Subsection C -3b & 3c shall be reduced by five (5) dBA. A pure tone is defined to exist in the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dBA for center frequencies of five hundred (500) Hz and above, by eight (8) dBA for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dBA for center frequencies less than or equal to one hundred and twenty-five (125) Hz.
4. Vibration: A WECS may not produce vibrations that are humanly perceptible beyond the property on which the WECS is located.
5. Guy Wires: Guy wires shall be allowed for MWECS and STMWECS systems provided that a fence at least 6 feet in height topped with at least three strands of barbed wire surrounds the base anchors of the guy wires. Distance from fencing to anchor point must be at least 5 feet in all directions.
6. Safety Requirements:

- a. A WECS must be equipped with an automatic braking or governing system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the Tower, Structure, rotor, blades, or other components unless the manufacturer certifies that a braking system is not necessary.
- b. All spent lubricants, cooling fluids, and any other hazardous materials must be properly and safely removed within 15 days. All other solid waste whether generated from supplies, equipment parts, operation or maintenance shall be removed from the site immediately and disposed of in an appropriate manner.
- c. Each WECS must have one warning sign, not to exceed two square feet in area. For an LWECS, MWECS, STMWECS, the sign must be posted at the base of the Tower and on the security fence if applicable. For an SSMWECS, the sign must be posted at the base where the WECS is attached to the Structure. The sign must contain at least the following:
 - I. "Warning: high voltage"
 - II. Manufacturer's, Owner's, and Operator's names
 - III. Two or more emergency contact numbers
- d. The structural integrity of a WECS must conform to the design standards of the International Electrical Commission, specifically, the following or any similar successor standards: IEC 61400-1, "Wind Turbine Safety and Design"; IEC 61400-22, "Wind Turbine Certification"; and IEC 61400-23, "Blade Structural Testing."
- e. A WECS must not interfere with communication systems, including, but not limited to radio, telephone, television, satellite, or emergency communication systems.
- f. All electrical controls, control wiring, grounding wires, power lines, and system components for a WECS must be placed underground within the boundary of each parcel, at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the Tower wiring are exempt from this requirement. The collection system may be placed overhead adjacent to Township roadways, near substations or points of interconnection to the electric grid or in other areas as necessary.
- g. The Township reserves the right to inspect any WECS to ensure Ordinance compliance.
- h. Wind turbine towers shall not be climbable on the exterior unless fenced. All access doors to wind turbine towers and electrical equipment shall be lockable.
- i. All electric generating windmills must obtain electrical and building permits from the Township of Plainfield.

D: NET METERING

1. Net-Metering is a special metering and billing agreement between utility companies and their customers, which facilitates the connection of renewable energy-generating systems to the power grid.
2. A WECS that is connected to a public utility system for Net-Metering purposes must meet all requirements set forth in the utility's regulations for wind-power generation facilities and must meet all Plainfield Township Ordinances that govern the connection.

E: TEMPORARY USE OF AN ANEMOMETER

1. An Anemometer is permitted in all zoning districts as a temporary use, subject to all Ordinance requirements for the WECS that is proposed to be constructed on the site.

2. An Anemometer is not permitted for more than 3 years for an LWECs or more than 13 months for an MWECS, SSMWECS, or STMWECS. The Planning Commission may grant an extension for good cause.

F: ZONING

1. Zoning Districts
 - a. An SSMWECS and an STMWECS is a Permitted Land Use in all zoning districts.
 - b. An MWECS and LWECs is a Special Use in Commercial zoning districts, Industrial Districts, Agricultural Districts, Resource Development Districts, and PUDs. MWECS are also considered a Special Use in R1 Districts.
2. Setbacks
 - a. A WECS must meet the minimum setbacks provided in the chart below.
 - b. Property-line setbacks for an LWECs or MWECS may be reduced as part of the application or Special Land Use process if the applicant provides a registered engineer’s certification that the WECS is designed to collapse, fall curl, or bend within a distance or zone shorter than its height.
 - c. The setback for an LWECs, MWECS, or STMWECS is measured from the base of the tower to the closest point of the Occupied Building, property line, underlying right-of-way of the public road, or existing communication or power line.
 - d. The setback for an SSMWECS is measured from the closest extension of a moving part of the SSMWECS to the closest point of the Occupied Building, property line, underlying right-of-way of the public road, or existing communication or power line.
 - e. In R3 zoning districts the height of an SSMWECS or STMWECS must be equal or less than the distance required to stay within all property line setbacks for side, back and front yards.

TABLE 1: Setback requirements for WECS and WPW windmill systems.

Occupied Building on the same parcel	Property Line Setback	Public Road Setback	Above Ground Communications & Power Lines	Inhabited Structures Setback
LWECs	2 times the Total Height of the LWECs	1.5 times the Total Height of the LWECs	The greater of: (1) 400 feet, or (2) 1.5 times the Total Height	2 times the Total Height of the LWECs
MWECS and WPW	1.25 times the Total Height of the MWECS			2 times the Total Height of the MWECS
STMWECS and WPW	The Total Height of the STMWECS			N/A
SSMWECS & WPW mounted directly on a roof or other elevated structure	1.5 times the Total Height of the SSMWECS			N/A

SSMWECS & WPW affixed by any extension to the side, roof, or other elevated surface	2 times the Total Height of the SSMWECS	N/A
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3. A WECS must meet the height, separation, and location requirements in the chart below:

TABLE 2: Height, separation, quantity and location limits for WECS & WPW windmill systems.

System	Total Height	Quantity	Separation	Location Limits
LWECS	Limited by setback and separation requirements		Must comply with industry standards, manufacturer recommendations & characteristics [prevailing wind, topography, etc.] of the particular site location	Limited by setback and separation requirements
MWECS and WPW	No more than 100 feet	No more than 1 for every 2.5 acres of land included in the parcel.		
SSMWECS and WPW	No more than 15 feet	No more than 3 per parcel	Total Height of the highest SSMWECS must be maintained between the bases	May not be affixed to the wall on the side of a Structure facing a road
STMWECS and WPW	No more than 35 feet.	No more than 1 per parcel	N/A	Residential District: only in a rear yard of a property that has an Occupied Building

A WPW system must meet all setbacks set forth in TABLE 1 of this Section. It also must follow requirements set forth in TABLE 2 of this Section regarding height, quantity, separation, and location. WPW systems shall not have ladders, pegs, or steps (or other devices designed for climbing) that extend to the ground. A 12 foot separation from the ground to the climbing device is required.

G: APPLICATION, CERTIFICATION, & COMPLIANCE

1. A WECS and an Anemometer are subject to all State of Michigan Building Codes and may not be erected, constructed, installed, or modified without a building permit. Approved Plainfield Township Building & Electrical Permits, and an approved site plan are required prior to construction in all zoning districts. See table on the next page for a checklist of required application information. An application for an Anemometer must comply with the WECS that is to be proposed on the site.
2. If the WECS is not owned by the property owner, the applicant must provide the Township with a bond or other approved form of surety, to be used for the cost of Decommissioning each WECS. The Township may also require a surety under other reasonable circumstances.
4. Private roads must be constructed to the Township's private-road standards.
5. If the ownership of property on which a WECS is located changes, the Owner or Operator must notify the Township within 30 days.
6. Within 90 days after an LWECS becomes operational, proof of compliance with the noise standards in this Ordinance must be provided to the Township. A sound-pressure-level analysis, by a qualified third-party professional, must be conducted from a reasonable number of sampled locations at the perimeter and in the interior of the property containing the LWECS.
7. A WECS Owner or Operator must provide the Township's Zoning Administrator with a copy of the yearly maintenance inspection.
8. An assessment of the impact to the natural environment including, but not limited to, bird and bat species shall be submitted prior to construction. At a minimum the applicant shall report on a literature survey for threatened and endangered species, and any information on critical flyways. Plans must be identified for post-construction monitoring or studies. The analysis should include an explanation of potential impacts, and propose a mitigation plan if necessary

Description	LWECS	MWECS	SSMWECS & STMWECS
Application fee remitted to the Township of Plainfield in the amount specified in the fee schedule.	√	√	√
Name of property owner, address, and parcel number	√	√	√
A detailed and scaled site plan in accordance with the Plainfield Township Zoning Ordinance illustrating the proposed location of all WECS components and ancillary equipment, property lines, physical dimensions of the property, existing buildings, structures, large trees, setback and right-of-way lines, public easements (including utility easements), overhead & underground utility lines (including depth of underground wiring), sidewalks, non-motorized pathways, roads (including width), contours, land use, zoning district, ownership of property, and vehicular access. The site plan must also include adjoining properties, including the location and use of all Structures.	√	√	√
The proposed quantity, type, and height of each WECS to be constructed, including the manufacturer, model, and product specifications, and including maximum noise output (Decibels), total rated generating capacity, dimensions, Rotor Diameter, and a description of ancillary facilities	√	√	√
Documented compliance with the Ordinance noise requirements	√	√	√
Documented compliance with applicable local, state, and federal regulations including, but not limited to, safety, construction, environmental, electrical, and communications requirements.	√	√	√
Documented compliance with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and any applicable airport	√	√	

overlay zone regulations. Also refer to township zoning Section 15.16 – Airports.			
A description of the methods that will be used to maintain the WECS and the procedures for lowering or removing a WECS, if necessary, to conduct maintenance	√	√	√
If applicable, evidence that the utility company has been informed of a customer’s intent to install an interconnected, customer-owned generator and that the connection has been approved.	√	√	√
Documents from the developer or manufacturer, confirming specifications for Tower separation.	√	√	
Documented compliance with the Shadow Flicker requirements set forth in this Ordinance, including an analysis on potential Shadow Flicker at any Occupied Building with direct line of sight to the WECS. The analysis must identify the locations of Shadow Flicker that may be caused by the project and the expected durations of the Shadow Flicker at these locations from sunrise to sunset over the course of a year. The analysis must identify situations where Shadow Flicker may affect the occupants of the buildings for more than 24 hours per year and must describe measures that will be taken to eliminate or mitigate the problems. Shadow Flicker on a building may not exceed 24 hours per year.	√	√	
Documentation is required as to the potential impact of Ice Throw from a WECS including anticipated distance from the WECS impacted and any mitigation measures (if needed)	√	√	
Engineering data for construction of the WECS and its base or foundation, including, but not limited to, soil boring data	√	√	

A certified registered engineer's certification that the proposed installation meets or exceeds the manufacturer's construction and installation standards	√	√	
Anticipated construction schedule	√	√	
A maintenance and operation plan, including regular maintenance and parameters for performing unscheduled maintenance	√	√	
A written description of the anticipated life of each WECS, the estimated cost of Decommissioning, and the method of ensuring that funds will be available for Decommissioning and site restoration	√	√	
A Decommissioning plan that will be carried out at the end of the WECS's useful life, and which includes removal and restoration procedures and schedules, and any agreement with the land owner regarding equipment removal on termination of the lease	√	√	
A description of the routes to be used by construction and delivery vehicles and of any road improvements necessary to accommodate vehicles, equipment, or other traffic, and an agreement, bond, or other approved form of surety guaranteeing repair of damage to public roads and other areas caused by construction	√		
Identification of hazardous materials that will be used and stored on the site.	√	√	
Assessment of potential impacts on the natural environment, including, but not limited to, endangered species, eagles, birds, and other wildlife, the land and fragile ecosystems. The assessment must conform to state and federal wildlife agency recommendations based on local conditions. (Refer to item #8 above)	√	√	
Other relevant information as reasonably requested	√	√	√

H: DECOMMISSIONING

1. Useful Life: A WECS is presumed to be at the end of its useful life if no electricity is generated for a continuous period of 12 months. All Decommissioning expenses are the responsibility of the Owner or Operator, and the Township may require financial guarantees to assure compliance. Formal, written agreements may be required to ensure compliance with all Decommissioning requirements.
2. Deadline: The WECS Owner or Operator must complete Decommissioning within 12 months after the end of the useful life.
3. Extension: At the Owner's request and on a showing of good cause, the Plainfield Township Board may grant a reasonable extension of time.
4. Restoration
 - a. The foundation for a WECS must be removed to a minimum depth of 60 inches below grade.
 - b. During Decommissioning, the Owner must stabilize and grade the site and any disturbed earth, and must clear any debris from the site.
 - I. Soil levels must be restored to grade, and vegetation re-established.
5. Default

If the WECS Owner or Operator fails to complete Decommissioning within the period prescribed above, the Township may do any or all of the following:

 - a. Designate a contractor to complete Decommissioning,
 - b. Charge the violator with the Decommissioning expense, or
 - c. Impose a lien against the premises.

I: PUBLIC INQUIRIES & COMPLAINTS

1. An aggrieved property owner may notify the Township to allege that a WECS is not in compliance with the Ordinance noise or Shadow Flicker requirements. Notice must be in writing.
2. Noise:
 - a. If the Township finds no violation and the aggrieved property owner requests further investigation, the Township will request that property owner to deposit funds for a noise-level test to be conducted by a certified acoustic technician.
 - b. If the test indicates that the noise level is within Ordinance noise requirements, the Township will use the deposit to pay for the test.
 - c. If the test indicates that the WECS violates the Ordinance noise requirements, the Township will refund the deposit to the aggrieved property owner.
 - d. If the Township determines, through its own test or those conducted by an acoustic technician, that the WECS violates the Ordinance, the Owner must reimburse the Township for the test.
3. Shadow Flicker: If the Township deems a complaint sufficient to warrant further investigation, the Owner must provide a Shadow Flicker analysis of the turbine as constructed.
4. If a WECS violates the noise or Shadow Flicker requirements of the Ordinance, the Owner must take immediate action to bring the WECS into compliance, which may include ceasing operation of the WECS until the violations are corrected.

Section 18.37 – Mobile Homes as Accessory Dwellings for the Sick and Infirm

One (1) mobile home is permitted on a single family residential lot or parcel for the ill or infirm, if the following conditions are met:

- A. The lot or parcel has a principle single family dwelling located upon it.
- B. The lot or parcel is a legal lot of record.
- C. The occupants have a direct family relationship to those persons occupying the principle dwelling.
- D. The occupants of the mobile home have a need as determined by their acquisition of a physician’s certification prescribing the need for such housing during the period of illness or infirmity.
- E. Accessory mobile homes used for this purpose shall have immediate, continuous and unlimited access to all facilities located in the principle dwelling for the maintenance of proper health and sanitation, including portable water and sanitary disposal facilities for solid and liquid wastes.
- F. The accessory mobile home shall be located in a side or rear yard provided it meets all of the required yard setbacks. No accessory mobile home shall be located in front of the principle dwelling.
- G. Zoning Permits for this purpose shall be approved by the Planning Commission and reviewed annually thereafter for continued use and compliance.
- H. Zoning Permits issued for this purpose shall terminate at such time that any one or combination of the above conditions ceases to be met.
- I. A performance guarantee of five hundred dollars (\$500) shall be deposited with and payable to the Township as a condition of approval, and is to be kept in force and held by the Township for as long as the mobile home is needed and removed, or it is used for the purpose of removing the mobile home.

Section 18.38 – Ratio of Lot Width to Depth

All lots and parcels created subsequent to the adoption of this Zoning Ordinance shall have a ratio which shall not exceed a depth of four times the width.

**Section 18.39 – Parking or Storage of Travel Trailers on Residential (Rev 08/19/09)
Lot and Parcels in AG, RD, R-1, Zoning Districts**

Travel trailers, motor homes and campers shall be permitted in districts zoned AG, RD, and R-1 on vacant land except on lake front property, with the following provisions: (Rev 08/19/09)

- A. DELETED
- B. DELETED
- C. DELETED
- D. DELETED
- E. DELETED
- F. DELETED
- G. DELETED
- H. DELETED

Section 18.40 – Decks and Raised Platform

Decks and raised platforms 16” or greater must meet all front and side yard setbacks and a maximum of four feet 4’ in height from grade. Platforms less than 16” are exempt from all setbacks. On parcels which are elevated a pathway or stairway may be constructed in setback area provided it meets the following requirements:

- A. It is located, constructed and surfaced so as to effectively control erosion.
- B. It is essential to access the shore because of steep slopes.
- C. It is the minimum constructions necessary to provide access.
- D. It is no more than four feet 4’ wide.
- E. If landing are required they can be no more than forty (40) square feet.
- F. Benches, seats and tables are prohibited.
- G. Construction plans are to be approved by zoning administrator.
- H. Stairway must have hand rail on one side, that meets building code requirements.

Section 18.41 – Garages and Accessory Buildings

- A. A home owner, whether resident or non-resident may construct a garage or other similar structures upon non-lake front property; upon obtaining the required permits. No water or sewage system may be connected to such structure.

Section 18.42 – Anti-Funnel/Anti-Keyholing

- A. It is the intent of this Section to promote the integrity of the lakes within Plainfield Township while preserving the quality of recreational use of the inland

waters; to protect the quality of the lakes by discouraging excess use; to promote the ecological balance of the water by limiting incompatible land use of the wetlands associated with the lakes; and maintain the natural beauty of the lake by minimizing man-made adjustments to the established shorelines. Nothing in this Ordinance shall be construed to limit access to lakes or waterways by general public by way of a public park or public access site provided or maintained by any unit of State, county or local government.

B. Regulations

In any zoning district where a parcel of land is contiguous to a lake, channel, or stream, such parcel of land may be used as access property or as common open space held in common by a subdivision, associated or any similar agency; or held in common by virtue of the terms of a plat of record; or provided for common use under deed restrictions of record; or owned by two or more dwelling units located away from the waterfront, only if the following conditions are met:

1. That said parcel of land contain a minimum of 7,000 square feet; fifty (50) lineal feet of water frontage for each individual dwelling unit or each single family unit to which such privileges are extended or dedicated. The minimum depth for such a parcel shall be one hundred forty (140) feet. No access property so created shall have less than two hundred (200) feet of water frontage with at least fifty (50) lineal feet of water frontage for each individual dwelling unit. Frontage shall be measured by straight line which intersects each side lot line at the water's edge.
2. That in no event shall water frontage of such parcel of land consist of a swamp, marsh, or bog as shown on the most recent U.S. Geological Survey Maps, or the Michigan Department of Environmental Quality MIRIS map, or have otherwise been determined to be wetlands by the Michigan DEQ; and that in no event shall a swamp, marsh, or bog be altered by dredging, the addition of earth or fill material or by the drainage of water for the purpose of increasing the water frontage required by this regulation.
3. That in no event shall such parcel of land abut a man-made canal or channel, and no canal or channel shall be excavated for the purpose of increasing the water frontage required by this regulation.
4. That access property, as provided for in and meeting the conditions of this Ordinance, regardless of total area, shall not be used as a residential lot for the purpose of constructing a dwelling and /or accessory structure (s), or for any commercial or business use.
5. That piers or docks on such access property shall not be closer than fifty (50) feet from another pier or dock, nor longer than 120% of the average of the four (4) adjacent residential lot piers or docks on either side of the access property to a maximum length of fifty (50) feet of lot frontage.

C. Non-Conforming Uses

In any district in which accesses have been established before the effective date of this ordinance or subsequent amendments thereto, such accesses shall retain historic uses. It is the intent of this ordinance to permit such lawful non-conformance to continue, but not to encourage additional uses and sites.

D. Definition

“Access Property” Shall mean a property, parcel, or lot abutting a lake, and used or intended to be used, for providing access to a lake by pedestrian or vehicular traffic to and from offshore land regardless of whether said access to the water is gained by easement, common fee ownership, single fee ownership, lease license, gift, business invitation or any other form or dedication or conveyance.

ARTICLE NINETEEN

Off-Street Parking, Loading and Unloading Requirements

Section 19.01 – Purpose

It is the purpose of this Article to improve and maintain the safety of the roads and highways in the Township by requiring off-street parking, loading and unloading spaces for all uses permitted by this Ordinance in order to provide for the proper function and safety in the use of roads and highways as traffic-ways which are intended to be limited to moving automotive vehicles.

Section 19.02 – Off-Street Parking Requirements

In all Districts, except AG there shall be at the time any building or structure is erected, or uses established, enlarged or increased in capacity, off-street parking spaces for automotive and motorized vehicles with the requirements specified as follows:

- A. Plans and specifications showing required off-street parking spaces shall be submitted to the Zoning Administrator for review at the time of application for a Zoning Permit. Required off-street parking facilities shall be located on the same lot as the principle building or on a lot within 300 feet thereof, except that this distance shall not exceed 150 feet for single family and two-family dwellings.
- B. Outdoor parking of motor vehicles, in all Residential Districts, except in the AG district, shall be limited to passenger vehicles, one (1) nonresidential type recreational vehicle per dwelling unit, and not more than one (1) commercial vehicle of the light delivery type, not to exceed one (1) ton single front and single rear axle, shall be permitted per dwelling unit. The outdoor parking of any other type of commercial vehicle, or bus, except for those parked on school or church property is prohibited in all residential districts except in the RD and AG districts. Parking space requirements for all types of vehicles may be provided either in garages, covered or outdoor parking areas conforming with the provisions of this Ordinance.
- C. Each off-street parking space for automobiles shall not be less than 200 square feet in area, exclusive of access drives or parking space access aisle, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking space access aisles for automobile shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisles shall be:
 - 1. For 90 degree or perpendicular parking the aisle shall not be less than twenty-two (22) feet in width.
 - 2. For 60 degree parking the aisle shall not be less than eighteen (18) feet in width.

3. For 45 degree parking the aisle shall not be less than thirteen (13) feet in width.
- D.** Required off-street parking facilities for churches located in non-residential districts may be reduced by an equivalent number of off-street parking spaces located within 300 feet, if they are directly accessible and usable, as off-street parking spaces. Off-street parking facilities for trucks at restaurants, service stations and other similar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten (10) feet in width and eighty (80) feet in length.
- E.** Every parcel of land hereafter used as a public or private off-street parking area shall be developed and maintained in accordance with the following requirements:
1. All off-street parking spaces shall not be closer than ten (10) feet to any property line.
 2. All off-street parking areas shall be drained so as to prevent any increase in drainage to abutting properties and shall be constructed of graded aggregate materials of at least six (6) inches in depth which will have a dust free surface resistant to erosion by wind and water.
 3. Any lighting fixtures used to illuminate any off-street parking area shall be so installed as to divert the light away from any adjoining premises and public roads, and no source of light shall be observable beyond the lot lines of the property upon which it is located.
 4. Any off-street parking area providing space for five (5) or more vehicles shall be located at least twenty (20) feet from and be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution by a wall, fence, or compact evergreen planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
 5. All off-street parking areas that make it necessary for vehicles to back out directly onto a public road are prohibited, except for single family and duplex residential driveways.
 6. Combined parking facilities are allowed when two (2) or more uses occur on one property or when a building on one property contains two (2) or more uses, provided that the permanent allocation of the required number of parking spaces shall be the sum of the requirements for all the uses computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.
- F.** For the purpose of determining off-street parking requirements, the following units of measurement shall apply:
1. Floor Area
In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the total floor

area, except that such floor area need not include any area used for incidental service, storage installations of mechanical equipment, penthouses, housing ventilators and heating systems, and similar uses.

2. Places of Assembly

In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities; each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has open assembly area, requirements shall be on the basis of one (1) seat being equal to three (3) square feet.

Section 19.03 – Use of Parking Areas

No commercial repair work, servicing or selling of any kind shall be conducted on any required parking area except that which is specifically permitted by this Ordinance. No items such as plastic animals, steamers, cloth signs, children’s play areas, mechanical entertainment devices, or any other similar devices shall be permitted in the parking area or outside a building.

Section 19.04 – Off-Street Parking Space Requirements

The minimum required off-street parking spaces are set forth as shown in chart 19.04: Modified 6/21/2017

CHART 19.04

	<u>Use</u>	<u>Spaces Per 200 Square Feet of Public Area Floor Space</u>	<u>Spaces per Each Chair or Seat</u>	<u>Spaces per Employee during Maximum Employment Hours</u>	<u>Additional requirements specific to Use</u>
1	Automobile or Machinery Sales and Service Garages	1		1	2 spaces for each service bay
2	Banks, Business and Professional Offices	2		1	
3	Barber Shops and Beauty Parlors		2	1	
4					
5	Bowling Alleys			1	5 spaces for each lane

6	Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Hall other than Schools		0.33 (1/3); or 1 space for each 3 permitted in such buildings as determined by State Fire Marshall		
7	Clinics (all medical clinics/offices)			1	4 spaces for each Doctor
8	Convalescent or Nursing Home, Orphanage, or State Licensed Foster Care Home			1 (in this case each employee includes Nurses)	1 space for each 2 beds
9	Drive-in Banks and Similar Businesses			1	5 spaces
10	Drive-in Eating Establishments without inside seating			1	10 spaces
11	Dwellings (Single and Two-Family)				2 spaces for each Family Dwelling Unit
12	Dwelling (Multiple Family) and Mobile Home Parks			1	2 spaces per dwelling unit plus 1 additional space for each 4 dwelling units
13	Funeral Homes and Mortuaries			1	4 spaces for each slumber room or 1 space for each 50 square feet of gross floor area - whichever is greater
14	Furniture, Appliance Stores, Household Equipment and Furniture Repair Shop	0.5		1	
15	Gasoline Filling with Convenience Store	1		1	
16	General Office Building	0.5		1	

17	Hospital			1	1 space for each bed
18	Hotels, Motels, Lodging Houses, Tourist and Boarding Homes			1	1 for each bed
19	Libraries and Museums	0.25		1	
20					
21	Manufacturing, Fabricating, Processing, and Bottling Plants			1	
22	Restaurants, Beer Parlors, Taverns, Cocktail Lounges, Night Clubs and Private Clubs		0.5	1	
23	Retail Store	1		1	
24	Roadside Stands	8			Plus 5 spaces
25	Schools: Private or Public Elementary and Junior High Schools			1	1 space for each 30 students of maximum enrollment
26	Senior High School and Institutions of Higher Learning, Private or Public			1	1 space for each 5 students, plus the parking requirements for an auditorium, a gymnasium and an athletic field (if they are included)
27	Self-Service Laundry or Dry Cleaning Stores			1	1 space for each 2 washing and dry cleaning machines
28	Supermarket, Self-Service Food and Discount Stores	2		1	
29	Wholesale Establishments and Warehouses	0.5		1	
30	If a use is not specially listed, the parking requirements of a similar or related use shall apply as determined by the Zoning Board of Appeals.				

Section 19.05 – Off-Street Loading and Unloading Requirements

In connection with every use, except single family, two family and multiple family dwelling unit structures, there shall be provided on the same lot with such buildings, off-street loading and unloading spaces for permitted or special uses which customarily receive or distribute material or merchandise or provide services by vehicle as follows:

- A.** Plans and specifications showing required loading and unloading spaces, including the means of ingress and egress interior circulation, shall be submitted to the Zoning Administrator for review at the time of application for a Zoning Permit for the establishment or enlargement of a use of land, building or structure.
- B.** Each off-street loading/unloading space shall not be less than ten (10) feet in width, eighty (80) feet in length, and if a roofed space, be not less than fifteen (15) feet in height.
- C.** A loading /unloading space may occupy all or part of any required side or rear yard; except the side yard adjacent to a public road in the case of a corner lot. No part of a required front yard may be occupied by a loading space.
- D.** A loading/unloading space shall not be located closer than 50 feet to any residential lot or parcel unless wholly within a completely enclosed building, or unless enclosed on all sides by a wall, fence, or compact planting not less than six (6) feet in height.
- E.** When two (2) or more uses are located on a lot or parcel, the total requirements for off-street loading/unloading facilities shall be the sum of all the uses computed separately.
- F.** All off-street loading/unloading facilities that make it necessary to back out directly into a public road shall be prohibited.
- G.** Off-street loading space and access drives shall be paved, drained, lighted and shall have appropriate bumper or wheel guards where needed.
- H.** All lights used for illumination shall be so arranged as to reflect the light away from the adjoining premises and roads, and no light source shall be visible beyond the property lines of a lot or parcel upon which they are located.
- I.** Off-street loading/unloading requirements for motels, hospitals, mortuaries, public assembly, offices, retail, wholesale, industrial or other uses similarly involving the receipt or distribution by truck, having over 5,000 square feet of gross floor area, shall be provided with at least one (1) off-street loading/unloading space, and for every additional 20,000 square feet of gross floor space or fraction thereof shall provide one (1) additional loading/unloading space.

- J.** If a use is not specifically listed, the requirements of a similar or related use shall apply, as determined by the Zoning Board of Appeals.

ARTICLE TWENTY

Sign Regulations

Section 20.01 – Purpose

The purpose of this Article is to regulate on-site and outdoor advertising so as to protect the health safety and general welfare, to protect property values, and to protect the character of the various neighborhoods in the Township.

The principle features are the restriction of advertising to the use of the premises on which the sign is located and the restrictions of the total sign area permissible per site. Any sign placed on land or on a building for the purpose of identification or for advertising a use conducted on the premises shall be deemed an accessory use. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays. Outdoor advertising signs (billboards), which advertise products or businesses not connected with the site or building on which they are located, are deemed to constitute a principle use of a lot.

Section 20.02 – Definitions

- A. **Abandoned Sign**
A sign which no longer advertises or identifies a business, l lessor, owner, or activity conducted upon or product available on the premises where such sign is displayed.
- B. **Billboard** – See “Outdoor Advertising Sign”.
- C. **Business District or Shopping Center**
A group of two (2) or more stores, offices, research or manufacturing facilities which collectively have a name different than the name of any of the individual establishments and which have common off-street parking and entrance facilities.
- D. **Canopy or Marquee Sign**
Any sign attached to or constructed within or on a canopy or marquee.
- E. **District**
Zoning District as established by the Township Zoning Ordinance.
- F. **Free Standing Sign**
A sign supported by a structure independent of any other structure.
- G. **Height of Sign**

The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.

H. Identification Sign

A sign which carries only the name of the firm, the major enterprise, of the principle product or service offered for sale on the premises or a combination of these things only to identify location of said premises and not to advertise. Such signs shall be located only on the premises on which the firm or major enterprise is situated, or on which the principle product is offered for sale.

I. Off-Site Sign (Off-Premises Sign)

A sign other than an on-site sign.

J. On-Site Sign (On Premises Sign)

A sign which advertiser identifies only goods, services, facilities, events, or attractions on the premises where located.

K. Outdoor Advertising Sign

A sign, including billboards, on which the written or pictorial information is intended to advertise a use,, product services, goods, event or facility located on other premises, and which is intended primarily for advertising purposes.

L. Sign

Any structure or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, code mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, which is located upon any land or in any building, in such a manner as to attract attention from outside the premises. Except signs not exceeding one (1) square foot in area, bearing only property numbers, post office box numbers or name of occupants of premises.

M. Temporary Sign

A sign that is intended to be displayed for a limited period of time.

N. Wall Sign

A sign attached to or erected against the wall of a building with the face in a plane parallel to the plane of the building.

O. Window Sign

A sign installed on or in a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.

P. Portable Sign

Any sign not permanently attached to the ground or a building.

Section 20.03 – General Sign Regulations

The following regulations shall apply to all signs in the Township:

A. Illuminated Signs

1. R-1, R-2, MFR and NSC districts indirectly or internally illuminated and intermittently flashing signs shall be allowed, provided such sign is so shielded as to prevent the light source from being visible from the public right-of-way or any adjacent property.
2. In CSC and I districts – indirectly or internally illuminated signs are permitted providing such sign is so shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property.

B. Measurement of Sign Area

The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such form comprising all the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing copy or display materials shall not be included in computation of sign area. Where a sign has two (2) or more faces, the area of the faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back, parallel to one another, and less than twenty-four (24) inches apart, the area of the sign shall be the area of one face.

C. Height of the Sign

No free standing sign shall exceed a height of twenty-five (25) feet.

D. Setback Requirements for Signs

Except where specific otherwise in this Ordinance, all signs shall be set back a minimum of one-half (1/2) the yard requirements as measured from the road right-of-way line.

Section 20.04 – Signs Permitted in All Districts

Subject to the other conditions of this Ordinance, the following signs shall be permitted anywhere within the Township.

- A. Off-premises signs which bear names, information and emblems of service clubs, places of worship, civic organizations, and quasi-public uses shall be permitted on private property with permission of the Planning Commission. Each sign shall be no more than nine (9) square feet in area, shall not exceed a height of eight (8) feet, and shall be set back a minimum of ten (10) feet from the road right-of-way line.

- B. Signs which direct traffic movement onto or within a property and which do not contain any advertising copy or logo, and which do not exceed nine (9) square feet in area for each sign. Horizontal directional signs, on and flush with paved areas may exceed nine (9) square feet. A directional sign shall be located on the lot or parcel behind the road right-of-way line.
- C. One church announcement bulletin shall be permitted on any site which contains a church regardless of the district in which located, provided said bulletin does not exceed twenty-five (25) square feet in area and a height of six (6) feet, and is set back a minimum of ten (10) feet from the road right-of-way line.

Section 20.05 – Prohibited Signs

A. Miscellaneous Signs and Posters

Tacking, pasting, or otherwise affixing of signs or posters visible from a public way, except “no trespassing”, “no hunting”, “beware of animal” warning or danger signs, and other legal postings as required by law, shall be located on the walls of buildings, barns, sheds, on trees, poles, posts, or fences.

B. Banners

Pennants, banners, searchlights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, or other gas-filled figures are prohibited except as provided in Section 20.10 G., “Temporary Signs”.

C. Swinging Signs

Signs which swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension of attachment are prohibited.

D. Moving Signs

Except as otherwise provided in this Article, no sign or any portion thereof which moves or assumes any motion constituting a non-stationary or fixed condition shall be permitted.

E. Abandoned Signs

Signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located shall be removed.

F. Unclassified Signs

The following signs are prohibited:

1. Signs which imitate an official traffic sign or signal which contains the words “stop”, “go slow”, “caution” “danger”, “warning”, or similar words, except as otherwise provided in this Article.
2. Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or road sign or signal or which obstructs the view in any direction at a road intersection.

3. Signs which contain statements, words or pictures of an obscene, pornographic or immoral character.

Section 20.06 – Permitted Signs in RD and AG Districts

- A. Each sign advertising type of farm products grown on the farm premises shall not exceed nine (9) square feet in area.
- B. One identification sign shall be permitted for each public road frontage for a vehicle entrance, for a school, church building or other authorized use of lawful nonconforming use, except home occupations. Each sign shall not exceed twenty-five square feet in area and eight (8) feet in height.

Section 20.07 – Permitted Signs in R-1, R-2, MFR, and NSC Districts

- A. One identification sign shall be permitted for each public road frontage, for a subdivision, multiple family building development, mobile home park and each NSC business. Each sign shall not exceed twenty-five (25) square feet in area. One additional sign advertising “For Rent” or “Vacancy” may be placed on each public road frontage of a rental residential development provided that such sign shall not exceed nine (9) square feet in area and is incorporated into the identification sign. Each sign shall be located behind the right-of-way line of any public road.
- B. One identification sign shall be permitted for each public road frontage for a vehicle entrance for a school, church, public building, or other authorized use of lawful non-conforming use, except home occupations. Each sign shall not exceed twenty-five feet in area and eight (8) feet in height.

Section 20.08 – Permitted Signs in CSC and I-Industrial Districts

On-site canopy or marquee signs, wall signs, and free-standing signs are allowed, subject to the following:

- A. Signs permitted for single buildings on developed lots or group of lots developed as one lot, not in a shopping center, not subject to Section 20.08 B., are subject to the following:
 1. Each developed lot or parcel shall be permitted at least eighty (80) square feet of sign area for all exterior on-site signs. The area of exterior on-site signs permitted for each lot or parcel shall be determined as two (2) square feet of sign area or each one (1) linear foot of building length which faces on a public road. The maximum area for all exterior on-site signs for each developed lot or parcel shall be 200 square feet. No free standing identification sign shall exceed 100 square feet in area. No exterior wall

sign for businesses with ground floor frontage shall exceed twenty-four (24) square feet in area.

2. Each developed lot or parcel shall be permitted two exterior on-site signs. For every developed lot or parcel which is located at the intersection of two (2) collector or arterial roads or highways as classified in the "Master Plan" three (3) exterior on-site signs shall be permitted. Only one (1) free-standing identification sign shall be permitted on any single road. All businesses without ground floor frontage shall be permitted on any single road. All businesses without ground floor frontage shall be permitted one (1) combined exterior wall sign, in addition to the number of signs allocated to the developed lot or parcel. The total area of all exterior signs shall not exceed the total sign area permitted in Section **20.08 A, 1**.
3. Each sign shall pertain exclusively to the name and type of business carried on within the building.

B. Signs permitted for a shopping center or other integrated group of stores; commercial buildings, office buildings or industrial buildings not subject to Section **20.08 A**. are subject to the following:

1. Each shopping center or commercial district shall be permitted one (1) free-standing identification sign for each collector or arterial road or highway, as classified in the "Master Plan" that it faces. Each sign shall state only the name of the shopping center and major tenants located therein. The sign area shall be determined as one (1) square foot for each one (1) linear foot of building which faces one public road. The maximum area for each free-standing sign shall be 200 square feet. Tenants of shopping center shall not permit individual free-standing identification signs.
2. Each business in a shopping or commercial district with ground floor frontage shall be permitted one exterior wall sign. The area for such an exterior wall sign shall be computed as one (1) square foot for each one (1) linear foot of building frontage occupied by the business. All business without ground floor frontage shall be permitted one (1) combined exterior wall sign not more than twenty-five (25) square feet in area. Each sign shall pertain exclusively to the name and type of business carried on within the building.

C. Window signs shall be permitted and shall not be included in total sign area computation if said signs do not occupy more than twenty-five (25%) percent of the total window area of the floor level on which displayed or exceeds a total of 200 square feet for any one building. If window signs occupy more than twenty-five (25%) percent of said window area or exceeds a total of 200 square feet for any one building, they shall be treated as exterior signs and shall conform to Section **20.08 A 1** and **20.08 B 2**.

D. A time and temperature sign shall be permitted in addition to the above conditions, provided that ownership identification or advertising copy does not

exceed ten (10%) percent of the total sign area and further provided that the total area of the sign does not exceed thirty (30) square feet.

- E. In addition to the provisions of Sections **20.08 A** and **B**. above, an automobile service station may have one (1) additional sign for each public road or highway frontage for a vehicle entrance, for the purpose of advertising gasoline prices and other services provided on the premises. Said sign shall be mounted on a free-standing structure or on the structure of another permitted sign, provided that clear views of road traffic by motorists or pedestrians are not obstructed in any way. Said sign shall not exceed eight (8) square feet in area and shall not advertise the brand name of gasoline or other materials sold on premises.

Section 20.09 – Outdoor Advertising Signs (Billboards)

- A. Outdoor advertising signs are permitted only on undeveloped and vacant unimproved lots in CSC and I Industrial districts, and shall be considered the principle use of such lots. Signs shall not be placed on all lot where such sign is located.
- B. Where two (2) or more outdoor advertising signs are located along the frontage of a road or highway, they shall not be less than 1,000 feet apart. A double-faced (back-to-back) or a V-type structure shall be considered a single sign, provided the interior angle of such signs does not exceed twenty(20) degrees.
- C. The total surface area, facing in the same direction, of any outdoor advertising sign, shall not exceed three hundred (300) square feet. Signs may be single or double-faced and shall contain no more than two (2) faces or panels
- C. Outdoor advertising signs shall not exceed twenty (20) feet in height from ground level. The permitted height may be increased to forty (40) feet by the Planning Commission, if it can be shown that excessive grades, building interference bridge obstruction, and similar conditions obstruct views of the signs.
- E. Outdoor advertising signs shall not be erected on the roof of any building, nor have one sign above another.

Section 20.10 – Temporary Signs

On-site temporary fixed or portable exterior signs may be erected in accordance with the regulations of this Article.

- A. In all districts, one (1) fixed or portable sign for each public road frontage advertising a recorded subdivision or development shall be permitted. Each sign not to exceed twenty-five (25) square feet in area. Each sign shall be removed within one (1) year after the sale of seventy (70%) percent of all lots or units within said subdivision or development.

- B.** In MFR districts, one (1) fixed or portable sign on each public road frontage of a new multiple family development advertising the new dwelling units for rent or sale, not to exceed twenty-five (25) square feet in area shall be permitted. Each sign shall be removed sixty (60) days of the initial rental or sale of seventy (70%) percent of the dwelling units within the development.
- C.** One fixed or portable identification sign shall be permitted for all building contractors, one for all professional design firms and one (1) for all lending institutions on site under construction, each sign not to exceed nine (9) square feet in area, with not more than a total of three (3) such signs permitted on one site. If all building contractors, professional design firms and lending institutions combine together in one identification sign, such sign shall not exceed twenty-five (25) square feet in area with not more than one sign permitted on site. Signs shall have a maximum height of ten (10) feet and shall be confined to the site of construction, construction shed, or construction trailer and shall be removed within fourteen (14) days after final inspection by the Zoning Administrator.
- D.** Temporary fixed or portable real estate direction signs, not exceeding three (3) square feet in area and four (4) in number showing a directional arrow and placed back of road right-of-way line, shall be permitted on approach routes to an open house. Signs shall not exceed three (3) feet in height.
- E.** Temporary signs announcing any annual or semi-annual public, charitable, educational or religious event or function located entirely within the premises on which the event or function is to occur, shall be permitted. Maximum sign area shall not exceed twenty-five (25) square feet. Signs shall be allowed no more than twenty-one (21) days prior to the event or function. If building mounted, signs shall be flat wall signs and shall not exceed six (6) feet in height. Signs shall be set back in accordance with Section **20.03 D.** of this Ordinance.
- F.** In R-2, R-3, MFR, and NSC districts, one (1) fixed or portable temporary real estate sign “For Sale”, “For Rent” or “For Lease” sign, located on the property and not exceeding nine (9) square feet in area shall be permitted. In CSC and I Industrial districts, one (1) sign of this type shall be permitted, provided it does not exceed twenty-five (25) square feet in area and is set back in accordance with Section **20.03 D** of this Ordinance. If the lot or parcel has multiple street frontage, one (1) additional sign not exceeding nine (9) square feet in area in the R-1, R-2, R-3, MFR, NSC and and twenty-five (25) square feet in area in CSC and I Industrial districts is permitted. Under no circumstances shall more than two (2) such signs be permitted on a lot or parcel. Such signs shall be removed within seven (7) days following the sale, rent, or lease of a building which is not located on the property on which the sign is located.

- G. Banners, pennants, search lights, balloons, or other gas-filled figures are permitted in CSC and I Industrial districts for a period not to exceed thirty (30) consecutive days. Such signs and objects shall not obstruct pedestrian or vehicular view.

Section 20.11 – Exempted Signs

The following types of signs are exempted from all provisions of this Ordinance, except for construction and safety regulations and the following standards:

- A. Signs of a non-commercial nature and in the public interest, erected by, or on the order of a public officer, in the by, or on the order of a public officer, in the performance of a public duty, such as directional signs, regulatory signs, warning signs, and informational signs.
- B. Political campaign signs announcing candidates seeking public political office and other data pertinent thereto, except as prohibited in Section 7.03 A, providing that these signs shall be removed within seven (7) days after the date of the election for which they were posted. A primary election and a subsequent general election shall be considered a single event. Candidates losing in the primary election shall remove their signs within seven (7) days after the primary election.
- D. Names of brands, manufacturer’s labels and logos, date of erection, monument citations, commemorative tablets, and the like, when carved into stone, concrete, metal or similar material or made of other permanent type construction an made an integral part of the structure.

Section 20.12 –Nonconforming Signs

Nonconforming signs shall not be reestablished after the activity, business, or usage to which it relates has been discontinued for ninety (90) days or longer,

Section 20.13 – Permits and Fees

- A. Application for a permit to erect or replace a sign shall be made by the owner of the property, or his authorized agent, to the Zoning Administrator, by submitting the required forms, fees, exhibits and information. Fees for sign permits for all signs erected pursuant to Sections 20.04, 20.06, 20.07, 20.08, 20.09 and 20.10 shall be established by resolution of the Township Board.
- B. An application for a sign permit shall contain the following information:
 - 1. The applicant’s name and address in full, and a complete description of his relationship to the property owner.
 - 2. If the applicant is other than the property owner, the signature of the property owner concurring in a submittal of said application is required.
 - 3. The address of property.

4. An accurate scale drawing of the property showing location of all buildings and structures and their uses, and location of the proposed sign.
 5. A complete description and scale drawings of the sign including all dimensions and the area in square feet.
- C. All proposed sign locations or relocations shall be inspected on the site by the Township Zoning Administrator for conformance to this Ordinance prior to placement on the site foundations shall be inspected by the Zoning Administrator on the site prior to pouring of the concrete for the sign support structure.
- D. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit. Said sign permit may be extended for a period of thirty (3) days upon request by the applicant and approval of the Planning Commission.
- E. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural or size change is made, shall not require a sign permit.

Section 20.14 – Removal of Signs

Signs erected or maintained in violation of this Ordinance shall be removed.

ARTICLE TWENTY-ONE

Environmental Conservation Provisions

Section 21.01 – Purpose

The purpose of this Article is to promote the conservation or wise use of important un-renewable natural resources and to protect the desirable qualities of the natural environment which may involve the saving of important vegetation, wildlife cover, watersheds, area which periodically flood, features controlling wind or water erosion, wetlands, and areas of topographical, archeological, geological, historical or agricultural significance for present and future generations as determined by the Planning Commission for the purpose of preserving or conserving specific features and areas of these natural resources and environments.

Section 21.02 – Natural Environment

It is the general requirement of this Article to conserve and wisely use in the most careful and well-planned manner possible in accordance with the provisions of Public Act 127 of 1970, “The Michigan Environmental Protection Act” and “State Guidelines: Preparation and Review of Environmental Impact Statements”, Michigan Environmental Review Board, Office of Management and Budget. Under this Article where it is the judgment of the Planning Commission and their written reasons, the Planning Commission may require the submittal of an Environmental Impact Statement in accordance with “State Guidelines: Preparation and Review of Environmental Impact Statement”, Michigan Environmental Review Board, Office of Management and Budget.

Section 21.03 – Natural Resources

In order to properly conserve and provide future access to such natural resources as sand, gravel, oil, gas, coal, minerals and other economically important un-renewable resources, the Planning Commission may require the applicant desiring to develop such property to prepare a survey or map indicating the type, character, and location of agricultural soil types and elevation and use areas, and the method proposed to preserve future development and use of such soil types and use area. In the making of such plans and surveys an applicant desiring to develop agricultural soil types and use areas shall be encouraged to develop only those portions of a property which are the least adaptable for present and future agricultural purposes.

Section 21.04 – Lakes, Ponds, Rivers, Streams, Water Courses and Drainage-ways

In order to conserve or wisely use the lakes, ponds, rivers, streams, water courses, and drainage-ways in the Township, no such feature shall be altered, changed, transformed or otherwise be varied from its present existing condition except as follows:

- A. In all zoning district no river, stream, water course or drainage-way, whether partly filled with water or dry in certain seasons, shall be obstructed or altered in

any way at any time by any person, except when done in conformance with State and Federal Laws, regulations and standards.

- B.** In all zoning districts the edge, bank, or shore of any lake, pond, river or stream shall not be altered, changed, transformed or otherwise varied from its present condition except in conformance with the provisions of (1) Public Act 291 of 1965, “The Inland Lakes and Streams Act”, (2) Public Act 245 of 1970, “The Shoreline Protection and Management Act”, (3) Public Act 347 of 1976, “Soil Erosion and Sedimentation Control Act”.
- C.** No building shall be located within a designated floodway. The Township Planning Commission may upon special approval, permit bridges, dams, other public facilities, piers, wharves, or boat houses. Before any such structure is built within the floodway, it shall be shown that such structure will not form a significant obstruction or retard the movement of floodwater, except as part of a plan for flood control.

Section 21.05 – Flood Plains

- A.** Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall be used only for agriculture and recreation uses, provide no structures, except as otherwise provided in this Ordinance, are located within the area subject to flooding.
- B.** The location and boundaries of land subject to periodic flooding shall be determined by reference to the Federal Housing Administration, U.S. Army Corps of Engineers, the U.S. Soil Conservation Service or other official U.S. or Michigan public agency responsible for defining and determining flood plain areas.
- C.** No building shall be located within a designated floodway. The Township Planning Commission may, upon special approval, permit bridges, dams, other public facilities, piers, wharves, or boat houses. Before any such structure is built within the floodway, it shall be shown that such structure will not form a significant obstruction or retard the movement of floodwater, except as part of a plan for flood control.

Section 21.06 – Wetlands

All areas designated as wetlands by the Michigan Department of Environmental Quality are hereby declared to be “Wetlands” in the Township and are subject to the provisions of this Ordinance as follows:

All wetlands in the Township are hereby subject to the provisions of Public Act 203 of 1079, “The Wetlands Act” in order to encourage the proper use and development of the wetlands.

Section 21.07 – Environmentally Sensitive Areas

- A. Areas may be designated by the Township Board upon favorable recommendation of the Planning Commission, as areas of Environmental Sensitivity including, but not limited to:
1. Rare of valuable ecosystems.
 2. Significant undeveloped agricultural, grazing or watershed areas.
 3. Forests and related land which require long stability for continuing renewal.
 4. Scenic or historical roads/areas, including burial grounds.
 5. Such additional area as may be determined by the Federal Government, the State of Michigan or the County

B. General Requirements for Environmentally Sensitive Areas

All zoning permit applications in Environmentally Sensitive Areas, regardless of size, and in addition to (or as part of) any of the applicable portions of this Section shall demonstrate that the proposed development will not be adversely affect the environment quality of the property and the surrounding area by means of the following:

1. The applicant shall provide written evidence that the proposed development of the property will conform to the provisions of such soil Erosion and Sedimentation Control Ordinance as may be in effect in the County.
2. The applicant shall provide written evidence that a sewage treatment or disposal system has been approved by the County Health Officer or Wastewater Division of the Michigan Department of Environmental Quality and is in conformance with any additional provisions set forth in this Ordinance pertaining to setbacks from water bodies, height above water level, etc,
3. The applicant shall provide evidence that the cutting and removing of trees and other native vegetation will be performed according to the following standards:
 - a. Clear-cutting of woodlands and the removal of shrubbery and undergrowth shall be restricted to removal of dead, diseased or dying trees.
 - b. Selective cutting which removes not more than forty (40%) percent of the trees and which leaves a well distributed stand of tree foliage shall be permitted.
 - c. More than forty (40%) percent of the tree coverage may be removed only as such action is recommended by a state forester, or a private forester registered by the State and approved by the Planning Commission.
 - d. Cutting shall be done in such a manner as to avoid erosion, to preserve rare species of trees or greenery, to preserve scenic qualities, and to preserve desirable screening.

C. Have as a portion of the application a site plan for review by the Planning Commission, that provides such data concerning the physical development and extent of disruption to the site as may be required by the Planning Commission. The Planning Commission or Zoning Administrator may require any of the following as part of the information of the site plan: maps, description of earth changes, soil borings, soil surveys, well logs, description of vegetation changes, percolation test, description of development, topographic surveys, and other environmental impact information. The review of the site plan will be made in such a manner as to:

1. Determine whether the regulations of this Ordinance shall have been observed regarding cutting of trees and other vegetation, sewage disposal, erosion and sedimentation control, etc.
2. Determine whether the true intent of State and Township regulations, including this Ordinance, shall be served by this development in safeguarding against adverse effects on air and water quality, the natural resources of the area, and the natural vegetation of the area. The Planning Commission shall recommend alterations as are required by existing Ordinance or Statute, or such reasonable requirements as it deems necessary to minimize such adverse effects.

D. In special cases where in the judgment of the Township Planning Commission a development proposal, because of its extensiveness, complexity, exceptional cost of development or significant impact on both the existing development pattern and the natural environment, cannot be properly processed under the limited provisions of this Article, may be required to conform to the provisions of both this Article and those of Article SEVEN "Site Plan Review".

