

ZONING ORDINANCE

CHARTER TOWNSHIP OF BLACKMAN

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ARTICLE I

ENACTING CLAUSE, TITLE, PURPOSES

SECTION 1.1 - ENACTING CLAUSE

(Adopted 06/04/07)

An Ordinance adopted under authority, and in accordance with the provisions of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, to establish comprehensive zoning regulations for Charter Township of Blackman, Jackson County, Michigan, and to provide for the administration, enforcement and amendment thereof, and the repeal of all ordinances in conflict herewith.

SECTION 1.2 - TITLE

This ordinance shall be known and may be cited as "The Zoning Ordinance of Charter Township of Blackman". The Zoning map referred to herein is entitled "Zoning Map, Charter Township of Blackman."

SECTION 1.3 - PURPOSES

This Ordinance has been established for the purpose of:

- a. Promoting and protecting the public health, safety, and general welfare;
- b. Protecting the character and stability of the agricultural, recreational, residential, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- c. Preventing the overcrowding of land and undue concentration of population by regulating the intensity of use of land and the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, and privacy to protect the public health;
- d. Lessening and avoiding congestion on public highways and streets;
- e. Providing for the needs of agriculture, recreation, residence, commerce, and industry in future growth to conform with the most advantageous uses of land, resources, and properties, with reasonable consideration of other things, the general and appropriate trend and character of land, building, and population development as studied and recommended by the Planning Commission and the Charter Township of Blackman Board.
- f. Encouraging the most appropriate use of lands in accordance with their character and adaptability, and prohibiting uses which are incompatible with

the character of development permitted within specified zoning district;

- g. Conserving the taxable value of land and structures;
- h. Conserving the expenditures of funds for public improvements and services;
- I. Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the people;
- j. Providing for the completion, restoration, reconstruction, extension or substitution of non-conforming uses.

ARTICLE II

GENERAL PROVISIONS

SECTION 2.1 - SCOPE

Every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing use, 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 building, or structure, or lot is located.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated uses of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that construction shall be completed within three hundred sixty-five (365) days of such effective date and be subject thereafter to the provisions of Section 5.7 of this Ordinance.

The adoption of this Ordinance shall not limit the construction of any building or structure for which a zoning permit had been obtained prior to the effective date of adoption or amendment of this Ordinance even though such building or structure does not conform to the provisions of this Ordinance, provided that work shall commence and be carried on with thirty (30) days of obtaining such permit and be subject thereafter to the provisions of Section 5.7 of this Ordinance.

To assure the orderly completion of a land development project, at the recommendation of the Charter Township of Blackman Planning Commission as directed by the Board, will require the builder or developer to post a Security Bond in an amount not to exceed five (5) percent of the estimated project cost.

SECTION 2.2 - DEFINITIONS

For the purpose of this Ordinance certain terms are herewith defined. When not inconsistent with the context, the present tense includes the future; the words used in the singular number include the plural number, and the plural, the singular. The word "shall" is always mandatory and not merely suggestive. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The words "used" or "occupied" include the words "intended", "designed", or "arranged" to be used or occupied.

2.2.1 Accessory Structure, Building, or Use: (Adopted 06/15/92)

A detached structure, building, or use on the same lot with, and of a nature customarily incidental and subordinate to the principal structure, building, or use. No accessory building or structure shall be placed on a lot or parcel of land unless there is an existing principal structure or building on said lot or parcel. No accessory use shall be carried on or conducted on any lot or parcel of land unless there exists a principal use on such lot or parcel of land.

2.2.2 Alley:

A public or private way not more than thirty-three (33) feet wide which affords only a secondary means of access to abutting property.

2.2.3 Alter:

Any structural change in the supporting or load bearing member of a building, such as bearing walls, columns, beams, girders, or floor joists.

2.2.3.5 Animal Unit:

A unit of measure used to determine the total number of single animal types or combination of animal types which are fed, confined, maintained or stabled in a feedlot where one animal unit is equivalent to:

- a. one (1) beef or slaughter cattle
- b. seven-tenths (.7) dairy cattle
- c. two and five-tenths (2.5) swine
- d. five-tenths (.5) horses
- e. ten (10) sheep, lamb, or goats
- f. fifty-five (55) turkeys
- g. one hundred (100) laying hens or broilers (if the facility has a continuous overflow watering system)
- h. thirty (30) laying hens or broilers (if the facility has a liquid manure handling system)
- I. five (5) ducks

2.2.4 Apartments:

A dwelling unit in an apartment house arranged, designed, or occupied as a residence by a single-family, individual or group of individuals.

- a. Garden Apartments - A building having three (3) or more one story dwelling units.
- b. High Rise Apartments - A building having at least four (4) stories, and containing three (3) or more one-story dwelling units.
- c. Townhouses - A building of at least two (2) stories, and containing a series of three (3) or more attached dwelling units "that are separate from one another by common fire walls from foundation to roof.

2.2.5 Automobile Service Station:

Structures and premises used or designed to be used for the retail sale of fuels, lubricants, or grease, and other operating commodities for motor vehicles, including the customary space and facilities for the installation of such commodities; and including space for temporary minor repair; or auxiliary servicing such as the polishing, washing, cleaning, greasing, but not including bumping, painting, or refinishing thereof.

2.2.6 Boarding House or Rooming House:

A dwelling where meals and/or lodging are provided for compensation to persons by pre-arrangement for definite periods of time.

2.2.6.5 Body Shop:

Structures and premises used or designated for the purpose of vehicle bumping, painting, and refinishing.

2.2.7 Building:

An enclosed structure having a roof supported by columns, walls, or other devices and used for the housing, shelter, or enclosure of persons, animals, or chattels.

2.2.8 Building Height:

The vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridges for gable, hip, or gambrel roofs.

2.2.9 Building Setback Line:

A line parallel to or concentric with property lines delineating the minimum allowable distance between the street right-of-way and the front of any building.

2.2.10 Central Sanitary Sewage System:

Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public a sanitary sewerage disposal system from a central location or plant, but not including septic tanks.

2.2.11 Central Water System:

Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under federal, state or municipal regulations to the public a central water system from a central location or plant.

2.2.11.5 Commercial Self-Storage Facility:

A facility consisting of a building or group of buildings in a controlled-access compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the dead storage of customer's goods and wares.

2.2.12 Cul-De-Sac:

A street closed at one end and having a minimum right-of-way of one hundred and twenty (120) feet in diameter at the turn around.

2.2.12.1 Cul-De-Sac Lot Line Width: (Adopted 11-19-79)

Width of lot at setback distance required.

2.2.13 District:

A portion of the Charter Township of Blackman within which certain uniform regulations and requirements apply under the provisions of this ordinance.

2.2.14 Drive-In Establishment:

A business establishment so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles as well as within the building.

2.2.15 Dwelling Unit:

One or more rooms with independent cooking facilities designed as a unit for residence by only one family.

- a. Having a minimum living area of 720 square feet.
- b. The principal structure shall have a minimum width along any exterior side elevation of 20 feet.
- c. Firmly attached to a solid foundation construction on the site in accordance with the State Building Code.
- d. No exposed wheels, towing mechanisms, undercarriage or chassis shall be permitted and no storage shall be allowed in any crawl space or skirted area which is not a standard basement.
- e. The dwelling shall be connected to a public sewer and water supply or to such private facilities as are approved by the local health department.
- f. The dwelling must contain storage area either in a basement located under said dwelling, in an attic area, in closet areas, or in a separate fully enclosed structure on the site of standard construction similar to or better quality than the principal dwelling, which space shall be not less than 15% of the interior living area of the dwelling.
- g. The dwelling must be aesthetically compatible in design and appearance to conventionally constructed homes, with not less than two exterior doors with one being in the front of the home and the other being in either the rear or side of the home, and roof drainage systems concentrating roof drainage and avoiding drainage along the sides of the dwelling.
- h. The dwelling must contain no additions of rooms or other areas which are not constructed with similar materials and with similar quality of workmanship as in the original structure, including an appropriate foundation and permanent attachment to the principal structure.
- i. The dwelling must comply with all pertinent building and fire codes including, among others, those pertaining to newly manufactured mobile homes or other newly manufactured homes, and have been constructed within five (5) years of the date of this ordinance.
- j. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park or a licensed mobile home subdivision except to

the extent required by State Law or otherwise specifically required in the Ordinance of the Charter Township of Blackman.

- k. The dwelling shall be in conformity with all applicable Charter Township of Blackman Building, Plumbing, Electrical Codes and other applicable ordinances.
- l. "Dwelling" shall also include energy saving earth shelter homes either (1) constructed entirely below ground or (2) constructed substantially below ground and with a sloping roof, containing at least one exposed vertical exterior elevation not less than 7 2 feet in height by 20 feet in width designed and constructed in accordance with standard building code regulations pertinent thereto and without any accommodation for any dwelling units above ground.
- m. The question of compatibility of design and appearance under subsection 2.2.17(g) hereof, shall be determined in accordance with the following procedure. The Charter Township of Blackman shall inform all property owners within three hundred (300) feet of the proposed dwelling unit that an application for a dwelling unit has been submitted to the Charter Township of Blackman. In the event that two (2) or more property owners within three hundred (300) feet of the dwelling unit send written objections to the construction to the Charter Township of Blackman setting forth reasons why the proposed construction is not compatible in design or appearance with the neighborhood, then the Planning Commission shall hold a hearing to determine the compatibility of design and appearance of the proposed dwelling. Any determination of compatibility shall be based upon the standards set forth within the definition of dwelling together with the character of the residential neighborhood within three hundred (300) feet of the proposed dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

2.2.16 Dwelling - Single-Family:

A detached building designed for or occupied by one (1) family only.

2.2.17 Dwelling - Two-Family:

A building designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.

2.2.18.1 Dwelling - Multiple-Family:

A building designed for or occupied by three or more families living independently of each other with separate housekeeping and cooking facilities for each.

2.2.18.2 Condominiums: (Adopted 03/16/98)

Condominium projects subject to the Condominium Laws of the State of Michigan shall be governed by Section 4.2.6 of this Zoning Ordinance and such projects shall be considered Planned District Developments.

2.2.19 Easement: (Adopted 03/16/98)

Any private or dedicated public way other than a street or alley, providing a secondary means of access to a property having a width of not less than twenty (20) feet. Any easement serving two (2) or more structures shall have a minimum width of sixty-six (66) feet.

2.2.20 Essential Services: (Adopted 04/19/99)

The term Essential services shall mean the erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions, or boards, or by other government agencies of underground, surface or overhead gas, electric, steam, or water transmission or distribution systems, collection, communication, supply or disposal system (exempt as noted below), dams, weirs, culverts, bridges, canals, locks, cellular antennas, towers or monopoles including poles, wires, mains, drains, sewers, towers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, or signs and fire hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, or other government agencies, or for the public health, safety or general welfare, including buildings or structures owned or leased by the Charter Township of Blackman, but not including buildings other than those buildings which are primarily enclosures or shelter for the installed central services equipment. Sewage storage and/or sewage treatment facilities shall not be considered an essential service. Cellular telephone facilities and antennas, towers or monopoles shall not be considered a public utility or essential service.

1. Cellular Telephone Facility - Persons, firms or corporations supplying cellular telephone service, operating between 800 and 900 megahertz; including all equipment, apparatus, facilities, antennas, towers, and devices used in the supply of cellular telephone service.

2.2.21 Family:

One or more persons living together in a room or rooms comprising a single housekeeping unit. A family is distinguished from a group occupying a rooming-house, boarding-house, lodging-house, club, fraternity-house, hotel, motel, or tourist home.

2.2.21.5 Feedlot:

A facility other than a pasture where animals have been, are, or will be fed, confined, maintained or stabled for a total of forty-five (45) consecutive days or more in any twelve (12) month period. Two (2) or more animal feeding operations under a common ownership are deemed to be a single animal feeding operation if they are adjacent to each other or if they use a common area or system for waste disposal. The facility shall include livestock or other farm animals whose numbers total 1,000 animal units or more, and where such livestock or other farm animals are bed and/or raised within a confined area, either inside or outside an enclosed building for food, fur, pleasure, resale or training purposes.

2.2.21a Fence:

An enclosing barrier, used to restrict access to property. It may be constructed with living vegetation, metal, wood, stone, masonry or other similar materials.

2.2.21b Fence, Decorative:

A fence which does not restrict visual access to or from the enclosing property.

2.2.22 Home Occupation:

An occupation that is traditionally and customarily carried on in the home being primarily incidental to the principal residential use (also see Section 5.16).

2.2.23 Hotel:

A building containing guest rooms in which lodging is provided, with or without meals, for compensation and which is open to transient or permanent guests, or both.

2.2.23.5 Improved Mobile Home Lot: (Adopted 11/19/79)

An individual lot served by utilities with an approximate hard surface and tie-down facility located within a mobile home park.

2.2.24 Junk Yard:

A structure or parcel of land where junk, waste, discard, salvage, or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cording, barrels, containers, etc., are bought, sold, exchanged,

stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, house wrecking, and structural steel materials, and equipment and including establishments for sale, purchase, or storage of salvaged machinery and the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.

2.2.25 Kennel:

Any lot or premises on which three (3) or more dogs, four (4) months old or more are confined either permanently or temporarily.

2.2.26 Lot: (Adopted 06/17/96)

A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area; and to provide such yards and other open spaces as herein required. Such lot may consist of a single lot of record, a portion or contiguous portions of lots of record; or a parcel of land described by metes and bounds; or a recorded portion of a lot of record.

2.2.27 Lot Area:

The area within the lot lines, but excluding that portion in a road or street right-of-way.

2.2.28 Lot Corner:

A parcel of land at the junction of and fronting or abutting on two or more intersecting streets.

2.2.29 Lot Depth:

The average distance between the front and rear line of a lot measured in the general direction of its side lot lines.

2.2.30 Lot Coverage:

The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

2.2.31 Lot Line (Front):

The part of the lot line which coincides with the street right-of-way line.

2.2.32 Lot of Record:

A lot which is part of a subdivision and is shown on a map thereof which has been recorded in the office of the Register of Deeds of Jackson County, or a lot described

by metes and bounds, the deed to which has been recorded in said office.

2.2.33 Lot Through (Double Frontage):

An interior lot having frontage on two parallel or approximately parallel streets.

2.2.34 Lot Width:

The width of the lot measured at the required front yard setback line.

2.2.35 Mobile Home:

A detached portable residential dwelling unit with a floor area of at least four hundred (400) square feet, prefabricated on its own chassis and intended for long-term occupancy. The unit shall contain sleeping accommodations, a flush toilet, tub or shower, and eating and living quarters. It is designed to be transported on its own wheels or on a flatbed arriving at the site where it is to be occupied as a complete dwelling without permanent foundation and shall be connected to existing utilities. A mobile home does not become a dwelling, but remains a mobile home even though placed on a permanent foundation. A travel trailer is not to be considered a mobile home.

2.2.36 Mobile Home Parks:

A tract of land prepared and approved according to the procedures in this Ordinance to accommodate mobile homes on rented or leased lots.

2.2.37 Mobile Home Subdivision:

A legally platted residential subdivision accommodating mobile homes.

2.2.38 Motel:

Any establishment in which courts or similar structures or units are let or rented to transients for periods of less than thirty (30) days. The term "motel" shall include motor courts. A motor or motel shall not be considered or construed to be either a multiple dwelling, a hotel, or a mobile home park.

2.2.38.5 Motor Vehicle Repair Garages:

Structures and premises used or designed to be used for the major repair of motor vehicles, but not including bumping, painting, and refinishing thereof.

2.2.39 Off-Street Parking:

A facility providing vehicular parking spaces with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of automobiles.

2.2.40.1 Parking Space, Area, Lot:

An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees.

2.2.40.2 Project:

Land development or any planned undertaking which involves construction of structures for any use.

2.2.41 Quarry:

Any pit, excavation, or mining operation for the purpose of searching for or removing from the premises any earth, coal, rock, sand, gravel, clay, stone, slate, marble, or other non-metallic mineral in excess of fifty (50) cubic yards in any calendar year, but shall not include an excavation preparatory to the construction of a structure or public highway.

2.2.42 Riding Academy:

Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch, or similar establishment.

2.2.43 Roadside Stand:

A structure temporarily operated for the purpose of selling produce raised or produced primarily on the premises where situated, and its use shall not make commercial district, nor shall its use be deemed a commercial activity.

2.2.44 Sign:

Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located; except, however, the following which shall not be included within this definition:

- a. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotation.
- b. Flags and insignias of any government, except when displayed in

connection with commercial promotion.

- c. Legal notices; identification, information, or directional signs erected or required by governmental bodies;
- d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- e. Signs directing and guiding traffic and parking to private property, but bearing no advertising matter;
- f. Signs attached to a building or an integral part of a building, which identify that building or occupant.

2.2.45 Sign Area:

The area of a sign consisting of the entire projected area (visible from any point) of any regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of such area.

2.2.45.5 Sign, Off-Site:

A sign advertising a product for sale or a service to be rendered off the premises.

2.2.46 Sign, On-Site:

A sign advertising a product for sale or a service to be rendered on the immediate premises where the sign is located.

2.2.47.1 Site Plan Review:

A review by the Planning Commission and the Charter Township Board of certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

2.2.47.2 State Licensed Residential Facility:

A structure constructed for residential purpose that is licensed by the state which provides resident services for six (6) or less persons under twenty-four (24) hour supervision or care for persons in need of that supervision.

2.2.48 Story:

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

and the ceiling above it.

2.2.49 Street:

A public or private thoroughfare which affords the principal means of access to abutting property having a right-of-way not less than sixty-six (66) feet in width.

2.2.50 Structure:

Anything constructed, erected or placed with a fixed location on the surface of the ground.

2.2.50.1 Telecommunication(s) Facility:

Telecommunication(s) facility shall be defined as set forth in Section 5.24.1(a).

2.2.51 Transition (Buffer) Strip:

An unused screened open area which reduces the visual or noise impact of one use upon another.

2.2.52 Travel Trailer:

A vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit, capable of being towed by a passenger vehicle.

2.2.52.5 Utilities: (Adopted 11/19/79)

Any of the following above or below grade services offered by or through the local municipalities or located within the local municipalities: electricity, gas, sewage, water, transportation pipelines, storm water drains and communication cables.

2.2.53 Vehicle Display:

The display of new or used vehicles offered for sale, rent, or lease and suitable for immediate use and licensing.

2.2.54 Vehicle Parking:

The parking of licensed operable motor vehicles.

2.2.55 Vehicle Salvage:

The dismantling of vehicles for salvage or reuse of parts.

2.2.56 Vehicle Storage:

The storage of vehicles held for repair, sale, salvage, or legal determination of charges or ownership.

2.2.57 Yard, Front:

An open, unoccupied space extending the full width of the lot between the front lot line and the nearest line of the principal building on the lot.

2.2.58 Yard, Rear:

An open, unoccupied space extending the full width of the lot between the rear line of the lot and the rear line of the principal building.

2.2.59 Yard, Side:

An open, unoccupied space on the same lot with the principal building, between the side line of the principal building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard, and if no front yard is required, the front boundary of the side yard shall be the rear line of the lot.

2.2.60 Adult Drive-In Motion Picture Theater: (Adopted 12/16/96)

An open space, area or premises from which persons may view motion picture films, videos or performances which are characterized by an emphasis on matter depicting or relating to Aspecified sexual activities@ or Aspecified anatomical areas@.

2.2.61 Adult Entertainment: (Adopted 12/16/96)

A structure, building or premises in which persons may view people and/or performances characterized by an emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas.

2.2.62 Adult Physical Culture Center Establishment: (Adopted 12/16/96)

AAadult Physical Culture Center Establishment@ is any establishment, club or business by whatever name designated, which offers or advertises or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths or other similar treatment by any person. The following uses shall not be included with the definition of an adult physical culture establishment.

- a. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;

- b. Electrolysis treatment by a licensed operator of electrolysis equipment;
- c. Continuing instruction in material or performing arts or in organized athletic activities;
- d. Hospitals, nursing homes, medical clinics or medical offices; and
- e. Barbershops or beauty parlors and/or salons which offer massages to the scalp, the face, the neck or shoulders only.

2.2.63 Adult Motion Picture Theater: (Adopted 12/16/96)

An enclosed building or structure wherein still or motion pictures, video tapes, or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing or relating to Aspecified sexual activities@ or Aspecified anatomical areas@ for observation by patrons therein.

2.2.64 Adult Supply Store: (Adopted 12/16/96)

Premises used for the sale, distribution, display or storage of books, magazines, periodicals, advertisements, devices, objects, toys, paraphernalia or similar materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to Aspecific sexual activities@ or Aspecified anatomical areas@.

1. ASpecified Sexual Activities@ is defined as:
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse or sodomy;
 - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.
2. ASpecified Anatomical Areas@ is defined as:
 - a. Less than completely and opaquely covered:
 - (i) human genitals, pubic regions,
 - (ii) buttock and
 - (iii) female breasts below a point immediately above top of the areola.
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

2.2.65 Fill

An approved material that is used for the purpose of changing the topography of a lot or a site.

SECTION 2.3 - UNDEFINED TERMS

Any term not defined herein shall have the meaning of common or standard use.

SECTION 2.4 - APPLICATIONS OF REGULATIONS

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promotion and protecting the public health, safety, and general welfare and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any conditional use permit, where such higher or more restrictive standards or requirements are found necessary by the Planning Commission to attain the purposes of this Ordinance.

ARTICLE III

ESTABLISHMENT OF ZONING DISTRICTS

SECTION 3.1 - ESTABLISHMENT OF ZONING DISTRICTS

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

- AG-1 Agricultural District
- RO-1 Recreation Open Space District
- RNF-1 Rural Non-Farm Residential District
- RS-1 Suburban Residential District
- RU-1 Urban Residential District
- RU-2 Two-Family Urban Residential District
- Rd-1 Multiple-Family Residential District
- PR-1 Planned Residential District
- MH-1 Mobile Home Residential District
- O-1 Office District
- C-1 Local Commercial District
- C-2 General Commercial District
- C-3 Highway Service Commercial District
- PC-1 Planned Commercial District
- I-1 Light Industrial District
- I-2 Heavy Industrial District

SECTION 3.2 - OFFICIAL ZONING MAP

The zoning districts as provided in Section 3.1 of this Ordinance are bounded and defined on a map entitled, "Official Zoning Map", Charter Township of Blackman, Jackson County, Michigan, dated November 5, 1973, which map, with all explanatory matter thereon, is hereby adopted as a part of this ordinance.

3.2.1 Identification of Official Zoning Map:

The Official Zoning Map shall be identified by the signature of the Charter Township Supervisor, attested by the Clerk. The Official Zoning Map shall be located in the office of the Clerk and available for examination.

SECTION 3.3 - INTERPRETATION OF DISTRICT BOUNDARIES

Except where specifically designated on the Official Zoning Map, the zoning district boundary lines are intended to follow lot lines, the center lines of streets or alleys, the center lines of creeks, streams, or rivers, the center lines of streets or alleys projected, center lines of railroads rights-of-way lines, section lines, one-quarter section lines, one-eighth section lines, or a corporate limit line, all as they existed at the time of the enactment of this Ordinance as subsequently modified and designated as such boundary line. Where a district

boundary does not coincide with any of the above lines, the district boundary lines shall be dimensioned on the Official Zoning Map. When the location of a district boundary is uncertain, the Board of Appeals shall interpret the exact location of the district boundary.

SECTION 3.4 - PUBLIC HEARING FOR ZONING

The formulation and enactment of this ordinance is based upon the division of the Charter Township of Blackman into districts in each of which are permitted specified uses which are mutually compatible uses.

3.4.1 Authority to Grant Zone Change

The Charter Township of Blackman Board may, from time to time, on recommendation from the Planning Commission on its own motion amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Charter Township of Blackman Board, the Planning Commission or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Charter Township of Blackman Board or the Planning Commission, the petitioner requesting an amendment shall, at the time of the application, pay the fee established by resolution of the Charter Township of Blackman Board no part of which shall be returnable to the petitioner.

3.4.2 Data, Exhibits, and Information Required in Application

An application for a zoning district change shall contain the applicants name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved; an accurate survey drawing of said property showing the existing location of all structures thereon, the types thereof, and their uses; and a statement of supporting data, exhibits, and information.

3.4.3 Public Hearing (Adopted 06/04/07)

The Planning Commission shall hold a Public Hearing upon any application for a zoning district change, notice of which shall be by newspaper publication. The publication shall not be less than fifteen (15) days preceding the meeting. Notice of Public Hearing shall be sent at least fifteen (15) days prior to the 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 multifamily dwellings, within three hundred (300) feet. The property in question shall be conspicuously posted at least fifteen (15) days prior to the hearing.

3.4.4 Approval, Grant of Zoning District Change

Upon holding a public hearing and finding that the requirements of subsections 3.4.2

and 3.4.3 of this Ordinance have been satisfactorily met by the applicant, and the Planning Commission shall recommend approval or disapproval to the Charter Township of Blackman Board. The Charter Township of Blackman Board shall review all the evidence and recommendations supplied to them by the Planning Commission at their Charter Township of Blackman Board meeting. At a public meeting, the Charter Township of Blackman Board shall approve or disapprove the zoning request.

ARTICLE IV

ZONING DISTRICT REGULATIONS

The intent, permitted uses, conditional uses, height, area density, and sign regulations of each district are set forth in this section.

SECTION 4.1 - OPEN DISTRICTS

Open Districts are established to protect land best suited for open use from the encroachment for incompatible land uses, and to retain land suited for open space and recreation use for the future.

4.1.1 Agricultural District (AG-1):

The intent of this district is to set aside land suitable for agricultural related use.

a. Permitted Uses:

1. General and specialized farming and agricultural activities except feedlots and the raising, growing or storage of fifteen (15) or more swine and hogs.
2. Sale of agricultural products raised or grown on the farm premises including roadside stand for said sales.
- 3a. Single-family detached dwellings.
- 3b. Single-family detached dwellings of two (2) acres or less - to include, (non-conforming) may be permitted to raise horses*, and similar animals for the use and/or consumption by the occupants on the premises.

*The above may be permitted, provided that the animals are kept no less than one hundred (100) feet from any dwelling unit, well or septic tank.

4. Home occupations only in accordance with the regulations specified in Article V, Section 5.16.
5. Conservation and/or recreation areas including forest preserves, games refuges, nature reservations, hunt clubs, and similar areas of low intensity use.
6. On-site signs only in accordance with the regulations specified in Article V, Section 5.2.2.

7. Essential services and structures of a non-industrial character, but not including maintenance depots and warehouses only in accordance with the regulations specified in Article V, Section 5.19.
8. Accessory uses or structures.
9. Telecommunication facilities no more than ten (10) feet in height mounted to any existing structure.

b. Conditional Uses:

1. Quarries.
2. Golf courses.
3. Group or organized camps, camping grounds, and general or specialized resorts.
4. Aircraft landing area for land occupant only.
5. Public and private nurseries, primary and secondary schools, colleges, and universities.
6. Convalescent homes, nursing homes, hospitals, sanitariums, and orphanages.
7. Riding academies and stables.
8. Churches and other buildings for religious worship.
9. Cemeteries.
10. Golf driving ranges.
11. Travel trailer parks.
12. Feedlots and the raising, growing or storage of swine and hogs.
13. Animal hospitals.
14. Kennels.
15. Type III landfills.
16. Solid waste transfer stations.

(Adopted 05/04/92) 17. Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.

(Adopted 04/19/99) 18. A telecommunication facility which meets the requirements of Section 5.24 which does not exceed the height of 200 feet and which is not attached to an existing structure.

c. Area, Yard, Height, and Bulk Requirements:

See Section 4.6.

4.1.2 Recreation Open Space District (RO-1):

The intent of this district is to set aside those lands which, because of their physical characters, would be suitable for recreation and open space use.

a. Permitted Uses:

1. Public or private forest preserve, game refuge, golf course and club, park, camping ground, playground or other recreational purpose.
2. Public and private conservation area and structure for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
3. A lot may be used for general and specialized farming and agricultural activities including the raising or growing of crops, live-stock, poultry and other farm animals, products and foodstuffs, and provided that any lot that is kept as idle cropland shall be so treated as to prevent soil erosion by wind or water and so treated as to prevent excessive growth of obnoxious weeds and shrubs, and provided that any lot kept as non-cropland shall be so treated as to prevent soil erosion by wind or water.
4. A lot may be used for the raising or growing of plants, trees, shrubs, and nursery stock.
5. A lot may be used for the growing, stripping, and removal therefrom of sod provided that said lot or portion thereof shall be reseeded after stripping by fall of the year in which it was stripped as to reduce the actual or potential erosion of soil by water or wind.
6. Essential services and structures of a non-industrial character, but not including maintenance depots or warehouses.

b. Conditional Uses:

1. Quarries.
2. Single-family dwellings, as an accessory use only.
3. Non-profit and commercially operated trails for use by motorcycles, dune buggies, snowmobiles, and similar types of vehicles.
4. Amusement parks.
5. Travel trailer parks.
6. Skeet, trap, and gun clubs.

(Adopted 05/04/92) 7. Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.

c. Area, Yard, Height and Bulk Regulations:

See Section 4.6.

SECTION 4.2 - RESIDENTIAL DISTRICTS

Occasional sales of household goods and personal property shall be permitted in each of the following residential districts, but such occasional sales, whether they be designated as yard sales, garage sales, porch sales, moving sales, basement sales, or household or personal goods sales, shall not be held on any premises more often than once every ninety (90) days, and in no case shall any such sales exceed four (4) days in duration.

State licensed residential facility shall be permitted in each of the following residential districts.

4.2.1 Rural Non-Farm Residential District (RNF-1):

This district is established to provide suitable areas for single-family dwellings at low densities to preserve a predominately rural character in these areas fit for concentrated residential use because of the ability of the soil to absorb sewage wastes from individual septic tanks.

a. Permitted Uses:

1. Single-family detached dwellings.

2. On-site signs, only in accordance with the regulations specified in Article V, Section 5.2.3.
3. Essential services, only in accordance with the regulations specified in Article V, Section 5.19,
4. Accessory uses or structures.
5. Raising of poultry, rabbits, and similar small animals for the use and consumption of the occupants on the premises.
6. Horses and ponies as pets shall be permitted provided they are kept at least one hundred (100) feet from any dwelling unit.
7. Telecommunication facilities no more than ten (10) feet in height mounted to any existing structure.

b. Conditional Uses:

1. Planned-unit residential developments.
2. Golf courses, but not including golf driving ranges.
3. Country clubs; public swimming pools; recreation centers; and parks, playgrounds, and playfields.
4. Churches and other buildings for religious worship.
5. Public and private nurseries; primary and secondary schools.
6. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.
7. Government or community-owned buildings.
8. Home occupations, only in accordance with the regulations specified in Article V, Section 5.16.

(Adopted 05/04/92)

9. Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
10. A telecommunication facility which meets the requirements of Section 5.24 which does not exceed the height of 200 feet and which is not attached to an existing structure.

c. Area, Yard, Height, and Bulk Regulations:

See Section 4.6.

4.2.2 Suburban Residential District (RS-1):

This district is designed to provide residential areas principally for moderate suburban densities where necessary urban services and facilities, including central sewerage systems, can be feasibly provided.

a. Permitted Uses:

1. Single-family detached dwellings.
2. On-site signs, only in accordance with the regulations specified in Article V, Section 5.2.3.
3. Essential services, only in accordance with the regulations specified in Article V, Section 5.19.
4. Accessory uses or structures.

b. Conditional Uses:

1. Planned unit residential developments (Section 5.5.10, d).
2. Country clubs, recreation centers, public swimming pools, parks, playgrounds and playfields.
3. Churches and other buildings for religious worship.
4. Public and private nurseries, primary and secondary schools.
5. Essential service structures of a non-industrial character but not including maintenance depots or warehouses.
6. Government or community-owned buildings.
7. Golf courses, but not including golf driving ranges.
8. Home occupations, only in accordance with the regulations specified in Article V, Section 5.16.

(Adopted 5/4/92)

9. Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this

district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.

c. Area, Yard, Height, and Bulk Regulations:

See Section 4.6.

4.2.3 Urban Residential District (RU-1):

This district is designed to provide areas principally for high density single-family residential dwellings where necessary urban services and facilities, including central sanitary sewerage systems, shall be provided.

a. Permitted Uses:

1. Single-family detached dwelling.
2. On-site signs in accordance with regulations specified in Section 5.2.3.
3. Essential services in accordance with regulations specified in Section 5.19.
4. Accessory uses or structures.

b. Conditional Uses:

1. Planned-unit residential development (Section 5.5.10,d).
2. Recreation centers, public swimming pools, parks, playgrounds and playfields.
3. Churches and other buildings for religious worship.
4. Public and private nurseries, primary and secondary schools.
5. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.
6. Home occupations, only in accordance with the regulations specified in Article V, Section 5.16.

- (Adopted 05/04/92)
7. Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.

c. Area, Yard, Height, and Bulk Regulations:

See Section 4.6.

4.2.4 Two-Family Urban Residential District (RU-2):

This district is designed to permit a moderate density of population and a moderate intensity of land use in those areas where necessary urban services and facilities, including central sewerage systems, can be feasibly provided.

a. Permitted Uses:

1. Single-family detached dwellings.
2. Two-family dwellings.
3. On-site signs, only in accordance with the regulations specified in Article V, Section 5.2.3.
4. Essential services.
5. Accessory uses or structures.

b. Conditional Uses:

1. Planned unit residential developments (Section 5.5.10,d).
2. Public swimming pools, recreation centers, parks, playgrounds and playfields.
3. Churches and other buildings for religious worship.
4. Public and private nurseries, primary and secondary schools.
5. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.
6. Government or community-owned buildings.
7. Home occupations, only in accordance with the regulations specified in Article V, Section 5.16.

(Adopted 5/4/92)

8. Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this

district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.

c. Area, Yard, Height, and Bulk Regulations:

See Section 4.6.

4.2.5 Multiple-Family Residential District (RM-1):

This district is designed to permit a high density of population and a high intensity of land use in those areas which are served by a central water supply system and a central sanitary sewerage system, and which abut or are adjacent to such other uses or amenities which support, complement, or serve such a density and intensity.

a. Permitted Uses:

1. Multiple-family dwellings.
2. Two-family dwellings.
3. On-site signs, only in accordance with the regulations specified in Article V, Section 5.2.3.
4. Essential services, only in accordance with the regulations specified in Article V, Section 5.19.
5. Accessory uses or structures.
6. Rooming houses and boarding houses.

b. Conditional Uses:

1. Planned-unit residential developments (Section 5.5.10,d).
2. Public swimming pools, recreation centers, parks, playgrounds, and playfields.
3. Churches and other buildings for religious worship.
4. Public and private nurseries, primary and secondary schools, colleges, and universities.
5. Hospitals, convalescent or nursing homes, sanitariums, and orphanages for human care.
6. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.

7. Government or community owned buildings.
8. Single-family dwellings.
- (Adopted 5/4/92) 9. Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.

c. Area, Yard, Height, and Bulk Regulations:

See Section 4.6.

4.2.6 Planned Residential District (PR-1): Adopted 03/16/98

This Planned Residential District (PR-1) is intended to provide flexible land use and design regulations through the use of performance criteria to allow small-to-large scale neighborhoods or portions thereof to be developed within the township that permit a variety of residential types, containing both individual building sites and common property which are planned and developed as a unit. The planned residential unit should be designed to relate to the character of surrounding areas, and wherever possible should also be capable of functioning as a self-contained residential neighborhood. This district specifically encourages innovations in residential development to enable growing housing demands to be met by greater variety in type, design, and siting of dwellings, and by the conservation and more efficient use of lands in such developments.

While standard zoning and subdivision practices are appropriate for the regulation of land use in areas or neighborhoods that are already substantially developed, these controls represent a type of pre-regulation and regulatory rigidity which can hinder the creation of more attractive, safe and efficient residential areas. Therefore, this district is intended to permit enough flexibility in development design so as to allow the development of the most desirable residential amenities accruing from modern design techniques. Where these techniques are deemed appropriate through the rezoning of land for a PR-1 District, use and dimensional specifications elsewhere in this Ordinance are herein replaced by an approval process in which an approved plan becomes the basis for continuing land use controls.

The Planned Residential District shall achieve the following objectives:

1. Promote maximum choice in the types of environment, housing, lot sizes, and community facilities available to residents.
2. Encourage more usable tracts of land for open space and recreational purposes and for common use.

3. Preserve trees, outstanding natural topography and geologic features, and prevent soil erosion.
4. Encourage creative use of land, which can be planned to relate to surrounding physical development.
5. Attain more efficient use of land as a result of smaller networks of utilities and streets, and thereby lower housing costs.
6. Achieve a development pattern in harmony with the objectives of the Comprehensive Plan.
7. Provide an opportunity to locate necessary community facilities within residential neighborhoods.
8. Create a more desirable environment than would be possible through the application of strict zoning requirements applied in other sections of this Ordinance.

A. General Requirements for Planned Residential Districts:

1. Minimum Area - The minimum area required to qualify for a PR-1 District shall not be less than ten (10) contiguous acres of land.
2. Ownership - The tract of land for a project must be either in one ownership or the subject of an application filed jointly by the owners of all properties included (the holder of a written option to purchase land shall for purposes of such application be deemed to be an owner of such land).

In the case of multiple ownership, the approved plan shall be binding on all owners.

3. Location of the Planned Residential District - This district shall be applicable to any area of the township where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of the PR-1 District.
4. Permitted Uses - All uses within an area designated as a PR-1 District are determined by the provisions of this section and the approved plan of the project concerned.
 - a. Residences may be of a variety of types, including one-family, two-family, and multiple-family. In developing a balanced community, the use of a variety of housing types shall be deemed desirable in keeping with the objectives of this district.

b. Customary accessory or associated uses, such as private garages, storage spaces, recreational and community activities, churches and schools shall be permitted as appropriate to the Planned Residential District.

5. Land Use and Density - Because land is used more efficiently in the PR-1 District, improved environmental quality can often be produced with a greater number of dwelling units per net acre than usually permitted in traditionally zoned residential districts. The Township Planning Commission shall determine in each case the appropriate land use pattern and dwelling unit density for individual projects. These determinations shall be completely documented and justified.

6. Common Property in the Planned Residential District - Common property in the PR-1 District, consists of a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the planned residential development. When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements must be made for the improvement, operation, and maintenance of such common property and facilities, including private streets, drives, service and parking areas, and areas for recreation and open space. The Planning Commission may require that all streets, drives and parking areas, or any part of the foregoing, be constructed to Jackson County Public Road standards and be paved.

B. Planned Residential District Application Procedure and Zoning Approval Process:

1. General - Whenever any PR-1 District is proposed, before any building permit for the erection of a permanent building in such district shall be granted, and before any part thereof may be filed in the office of the Township Clerk, the developer or his authorized agent shall apply for and secure approval of such PR-1 District in accordance with the following procedures and including subsequent approval of the Preliminary Site Plan and the Final Detailed Site Plan by the Township Planning Commission.

2. Application for Sketch Plan Approval

a. In order to allow the Township Planning Commission and the developer to reach an understanding of basic design requirements prior to detailed design, the investment developer shall submit a sketch plan of his proposal to the Township Planning Commission. The sketch plan shall be approximately to scale, though it need not be to the precision of a finished engineering drawing and it shall clearly show the following information:

1. Boundaries of the property.

2. The location of the various uses and their areas in acres.
 3. The location and height of all buildings and parking facilities.
 4. The interior roadway system and all existing rights-of-way and easements, whether public or private.
 5. Delineation of the various residential areas indicating for each area its size and composition in terms of total number of dwelling units, approximate percentage allocation by dwelling unit type (i.e., single-family detached, duplex, townhouse, garden apartments, high-rise), plus a calculation of the residential density in dwelling units per net acre (total area excluding interior roadways) for each such area.
 6. The interior open space system.
 7. The overall drainage system.
 8. If grades exceed three percent (3%), or portions of the site have a moderate to high susceptibility to erosion, or a moderate to high susceptibility to flooding and ponding, a topographic map showing contour intervals of not more than two (2) feet of elevation shall be provided along with an overlay outlining the above susceptible soil.
 9. Principal ties to the neighborhood and community with respect to transportation, water supply, and sewage disposal.
 10. General description of the provision of other community facilities, such as schools, recreational facilities, fire protection services, and cultural facilities, if any, and some indication of how these needs are proposed to be accommodated.
 11. A location map showing uses and ownership of abutting lands.
- b. In addition, the following documentation shall accompany the Sketch Plan:
1. Evidence that the proposal is compatible with the objectives of the official Comprehensive Plan.
 2. General statement as to how common open space is to be owned and maintained.

3. If the development is to be staged, a general indication of how the staging is to proceed. Whether or not the development is to be staged, the Sketch Plan of this section shall show the intended total project.
- c. The Charter Township of Blackman Planning Commission shall review the Sketch Plan and its related documents, and shall render either a favorable or unfavorable recommendation to the applicant. Said recommendation shall be made within forty-five (45) days of the hearing to review the Sketch Plan and receipt of all necessary application material, whichever is later.
1. A favorable recommendation shall include a report to the applicant that he may proceed with initiation of the rezoning request. It shall be based on the following findings which shall be included as part of the recommendation:
 - a. The proposal conforms to the Comprehensive Plan.
 - b. The proposal meets the intent, objectives, and general requirements of the Planned Residential District as expressed in Section 4.2.6.
 - c. The proposal is consensually sound in that it meets a community need and conforms to accepted design principals in the proposed functional roadway system, land use configuration, open space system, and drainage system.
 - d. The Planning Commission may require paved streets meeting Jackson County Road Commission standards, public water, and/or public sewage disposal facilities.
 - e. The proposal meets all the general requirements of Section 4.2.6.A.
 2. An unfavorable recommendation shall state clearly the reasons therefore and, if appropriate, indicate to the applicant what might be necessary in order to receive a favorable recommendation. Within ten (10) days after receiving an unfavorable recommendation, the applicant may, if he/she wishes, initiate a rezoning request, which would be accompanied by an unfavorable recommendation from the Charter Township of Blackman Planning Commission.

- d. In addition to the hearing on the Sketch Plan, the Chairman of the Charter Township of Blackman Planning Commission shall certify when all of the necessary application material has been presented and the Township Planning Commission shall submit its certification to the applicant within thirty (30) days of such certification.
3. Application for Planned Residential Rezoning - Upon receipt of a favorable recommendation and certification from the Township Planning Commission or upon application by the applicant within ten (10) days of an unfavorable recommendation the Township Planning Commission rezoning procedures shall be initiated.
4. Zoning for Planned Residential District - If the Township Board grants the PR-1 districting, the zoning map shall be amended, and the applicant must adhere to and follow his Sketch Plan in applying for preliminary site plan approval.

C. Site Plan Approval Process:

1. Application for Preliminary Site Plan Approval. Application for Preliminary Site Plan approval shall be to the Township Planning Commission and shall be in accordance with Article V Site Plan Review and Approval of this Ordinance and including:
 - a. An area map showing the applicant's entire holdings, that portion of the applicant's property under consideration, and all properties, subdivisions, streets, and easements within three hundred (300) feet of the applicant's property.
 - b. A topographic map showing contour intervals of not more than two (2) feet of elevation shall be provided.
 - c. A site plan showing location, proposed use and height of all buildings, location of all parking areas, with access drives thereto; location of outdoor storage, if any; location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences; description of method of sewage disposal and location of such facilities; location and size of all signs; location and proposed development of buffer areas; location and design of lighting facilities; and the amount of building area proposed for non-residential uses, if any.
 - d. A tracing overlay showing all soil areas and their classifications, and those areas, if any, with moderately high susceptibility to flooding, and moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include an outline and description of existing vegetation.

2. Factors for Consideration - The Township Planning Commission's review of a Preliminary Site Plan shall include, but is not limited to, the following considerations:
 - a. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization, traffic controls, and pedestrian movement.
 - b. Location, arrangement, appearance, and sufficiency of off--street parking.
 - c. Location, arrangement, size and design of buildings, and lighting.
 - d. Relationship of the various uses to one another.
 - e. Adequacy, type, and arrangement of trees, shrubs, and other landscaping constituting a visual and/or a noise deterring buffer between adjacent uses and adjoining lands.
 - f. In the case of multiple dwellings, the adequacy of usable open space for playgrounds and recreation.
 - g. The Planning Commission may require public water, public sanitary waste disposal facilities and paved streets meeting Jackson County Road Commission standards..
 - h. Adequacy of structures; roadways, and landscaping, in areas with moderate to high susceptibility to flooding, ponding and/or erosion.
 - i. Compliance with all regulations of this Ordinance.
3. Action on Preliminary Site Plan Application - Within sixty (60) days of the receipt of the application for Preliminary Site Plan approval, the Township Planning Commission shall act on it. If no decision is made within the sixty (60) day period, the Preliminary Site Plan shall be considered approved. The Township Planning Commission's action shall be in the form of a written statement to the applicant stating whether or not the Preliminary Site Plan is approved. A copy of the appropriate minutes of the Township Planning Commission shall be a sufficient report.

The Township Planning Commission's statement may include recommendations as to desirable revisions to be incorporated in the final site plan, of which conformance with, shall be considered a condition of approval.

If the Preliminary Site Plan is disapproved, the Township Planning Commission's statement shall contain the reasons for such findings. In such a

case, the Township Planning Commission may recommend further study of the site plan and resubmission of the Preliminary Site Plan to the Township Planning Commission after it has been revised or redesigned.

4. Request for Changes in Sketch Plan - If in the site plan development, it becomes apparent that certain elements of the Sketch Plan, as it has been approved by the Township Planning Commission, becomes unfeasible and in need of modification, the applicant shall then present his modifications to the Township Planning Commission as his/her Preliminary Site Plan in accordance with the above procedures. The Township Planning Commission shall then determine whether or not the modified plan is still in keeping with the intent of the PR-1 District, If a negative decision is reached, the site plan shall be considered as disapproved. The developer may then, if he/she wishes, produce another site plan in conformance with the approved Sketch Plan. If an affirmative decision is reached, the Township Planning Commission shall state all of the particulars of the matter and its reasons for feeling the project should be continued as modified. Preliminary Site Plan approval may then be given by the Township Planning Commission.

5. Application for Final Detailed Site Plan Approval - After receiving approval from the Township Planning Commission on a Preliminary Site Plan, the applicant may prepare his/her final detailed Site Plan, and submit it to the Township Planning Commission for final approval; except that if more than twelve (12) months has elapsed between the time of the Township Planning Commission's report on the Preliminary Site Plan and if the Township Planning Commission finds that conditions have changed significantly in the interim, the Township Planning Commission may require a resubmission of the Preliminary Site Plan for further review and possible revision prior to accepting the proposed Final Site Plan for review.

The final Detailed Site Plan shall conform substantially to the Preliminary Site Plan that has received Preliminary Site Plan approval. It should incorporate any revisions or other features that may have been recommended by the Township Planning Commission at the preliminary review. All such compliances shall be clearly indicated by the applicant on the appropriate submission.

6. Action on the Final Detail Site Plan Application - Within sixty (60) days of receipt of the application for Final Detailed Site Plan approval, the Township Planning Commission shall render a decision to the applicant. If no decision is made within the sixty (60) day period, the final site plan shall be considered approved.
 - a. Upon approving an application, the Township Planning Commission shall endorse its approval on a copy of the Final Detailed Site Plan.

b. Upon disapproving an application, the Township Planning Commission shall so inform the applicant in writing of its decision and its reason for disapproval. A copy of the appropriate minutes may suffice for this notice. After disapproval of the application, the Township Planning Commission may recommend further study of the site plan and resubmission of the Final Detailed Site Plan to the Township Planning Commission after it has been revised or redesigned to reflect necessary modifications.

7. Staging - If the applicant wishes to stage his development and he has so indicated as per Section 4.2.6(B)(2)(b)(3), then he may submit only those stages he wishes to develop for Preliminary and Final Detail Site Plan approval in accordance with his staging plan. Any plan which requires more than twenty-four (24) months to be completed shall be required to be staged and a staging plan shall be developed.

D. Other Regulations Applicable to Planned Residential Districts:

1. Regulation after Initial Construction and Occupancy - For the purposes of regulating land development and use property after initial construction and occupancy, any changes other than use changes shall require approval by the Township Planning Commission. Use changes shall require Township Board approval following the recommendation of the Township Planning Commission. It shall be noted, however, that properties lying in Planned Residential Districts are unique and shall be so considered by the Township Planning Commission and Township Board when evaluating these requests, and maintenance of the intent and function of the Planned Residential Unit shall be of primary importance.

E. Financial Responsibility - No building permits shall be issued for construction within a PR-1 District until public improvements are installed or performance bond posted in accordance with the Township Ordinance.

6. Site Condominium Projects - All residential site condominium projects shall be subject to the provisions, rules, regulations and procedures set forth in this Ordinance for a Planned Residential Development District (PR-1). The Planned Residential Development District shall apply to any residential site condominium project regardless of the zoning district in which the condominium project is situated or located. Provided, however, that site condominium projects shall not be subject to the minimum acreage requirements of the planned residential development district.

This provision shall apply to all residential site projects subject to and constructed under the Condominium Act, being Act 59 of 1978, as amended.

7. Planned-Unit Residential Development - Planned unit developments are permitted uses in RNF-1 or RS-1, Residential Districts comprising an area of not less than ten (10) acres. Such developments shall follow the procedures set forth in PR-1

Districts. Providing, however, that such development shall be subject to the following additional criteria and conditions:

1. Required Covenants, Easements and Provisions. The application may be required to dedicate land for street and park purposes, public services such as water, sewer or storm drainage, or to restrict areas perpetually as open space for common use. The applicant may be required to construct public roads, parks, or public services such as water, sewer or storm drainage.
2. Density. The average density of structures of the tract shall not be greater than the density requirements in the district in which the planned unit development is located.
3. Uses. The use of the land shall be in conformance with the permitted uses of the district in which the proposed plan is to be located.
4. Feasibility. The proposed unit shall be of such size, composition, and arrangement that its construction, marketing, and operation is feasible as complete unite, without dependence on any subsequent unit or development.
5. Services. The Planning Commission may require that highways or streets be paved and meet Jackson County Road Commission standards, that the project be served by public water, or that the project be served by public sanitary waste disposal facilities.
6. Tentative Board Approval. Following the Sketch Plan Review by the Township planning Commission the Township Board shall then review such plan, incorporating with any approval of the plan such conditions as the Township Board deems appropriate and consistent with the spirit and goals of this Ordinance and to promote the public health, safety, morals and general welfare.
7. Final Action by the Application. Following approval by the Township Board, the applicant shall then review his application and plan in its approved form and sign a statement that the unit residential development plan shall be binding on the applicant, his heirs, successors and assigns.
8. Final Approval. When the Township Board gives its final approval, a zoning compliance permit shall be issued for the development even though the lot sizes, lot depths, and required distance between group buildings and building heights do not conform in all respects to the regulations of the district in which the project is to be located.

4.2.7 Mobile Home Residential District (MH-1):

This district is composed of those areas of the Charter Township of Blackman whose principal use is or ought to be mobile home dwellings. The

regulations of this district are designed to permit a density of population and an intensity of land use in those areas which are served by a central water supply system and a central sanitary sewerage system, and which abut or are adjacent to such other uses, buildings, structures, or amenities which support, complement, or serve such a density and intensity.

a. Permitted Uses:

1. Mobile Home Subdivisions in accordance with the provisions of Section 4.2.2 RS-1, Suburban Residential District.
2. Public schools.

b. Conditional Uses: (Subject to Site Plan Review in accordance with Section 5.6).

1. Mobile Home Parks.

(Adopted 11/19/79)

2. Sales of mobile homes provided that the sales is clearly subordinate and incidental to the use of the area for mobile home dwelling. The following conditions shall also apply:

- a. No more than one sales area for mobile homes shall be located in a separately designated section within the mobile home park. The sales area shall be within a Mobile Home Residential (MH-1) District.
- b. No more than ten (10) mobile homes displayed or offered for sale by the owner and/or his agents may be located in the mobile home park at any one time. The orientation of mobile homes for display shall be reviewed and established at the time of site plan review by the Charter Township of Blackman Planning Commission.
- c. Sales shall be limited to mobile homes.
- d. No mobile home shall be displayed or offered for sale by the owner of park or agent within

two hundred (200) feet from a County, State or Federal Road or Highway.

- e. The minimum yard requirements for the Mobile Home Residential (MH-1) District shall also apply to the portion of the mobile home park used for sales purposes.
- f. Parking space shall be provided in the designated sales area in accordance with the requirements for the residential area of the Mobile Home Residential (MH-1) District.

(Adopted 5/4/92)

- 3. Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.

SECTION 4.3 - OFFICE DISTRICT (Adopted 09/16/76)

The Office District is designed principally for office use and those uses which are customarily associated with offices.

4.3.1 Office District

a. Permitted Uses:

- 1. Medical and dental clinics.
- 2. Funeral home.
- 3. Laboratory, dental or medical.
- 4. A telecommunication facility which meets the requirements of Section 5.24 which does not exceed the height of 200 feet and which is not attached to an existing structure.
- 5. Offices of architects, engineers, surveyors, and other professions of similar nature.
- 6. Office of executive, administrative, legal, accounting, insurance, real estate, and uses of similar nature.
- 7. Essential service structure of a non-industrial character.

8. On-site signs in accordance with regulations specified in Section 5.2.4.

9. Telecommunication facilities no more than ten (10) feet in height mounted to any existing structure.

b. Conditional Uses:

1. Hospitals, sanitariums, and charitable institutions for human care.

2. Schools and colleges.

(Adopted
05/04/92)

3. Uses not specifically authorized as permitted uses or conditional uses this district, but which are similar in nature to specified permitted or conditional uses, may be authorized this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.

(Adopted
04/19/99)

4. A telecommunication facility which meets the requirements of 5.24 which does not exceed the height of 200 feet and which is not attached to an existing structure.

c. Area, Yard, Height, and Bulk Regulations:

See Section 4.6.

4.3.2 Office/Research District (O-2)

(Adopted
11/17/03)

The office/research district is designed for research facilities to serve the needs of commerce, industry, business and education. The prime characteristics of this district are the low intensity of land coverage by utilizing campus-like developments and preserving significant natural features, and the absence of nuisance factors such as excess noise, heat or glare, air pollution or waste water production.

a. Permitted Uses:

1. Research, development, design, testing, technical training, and related activities for industrial, scientific, educational, and business enterprises.

2. Laboratories for the research, development and testing of engineered components, including, but not limited to, medical, optical, and dental and pharmaceutical products.

- (Adopted 06/04/07)
3. Offices for the following occupations: executive, administrative, and professional, including engineering and engineering sales, but excluding medical and dental offices.
 4. Data processing and computer centers including computer programming and software development, training, and service and maintenance of electronic data processing equipment.
 5. Pilot manufacturing facilities for engineering, laboratory, scientific, electronic and research instruments, engineered products or components and associated equipment.
 6. Printing, publishing, duplicating and photographic processing.
 7. On-site signs in accordance with regulations specified in section 5.2.4.

b. Conditional Uses

1. Hospitals, sanitariums, and charitable institution for human care.
2. Schools and colleges.
3. Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.

c. Area, Yard, Height, and Bulk Regulations:

See Section 4.6

SECTION 4.4 - COMMERCIAL DISTRICTS

The Local Commercial District, General Commercial District, Highway Commercial District and Planned Commercial District are designed to limit compatible commercial enterprises at appropriate locations to encourage efficient traffic movement, parking, and utility service; advance public safety; and protect surrounding property. The commercial districts are designed to regulate the location of these business uses according to a well considered plan which determined the types of such uses and the intensity of land, street and highway use in each such district; potential nuisances and hazards which may cause unsafe conditions; and the relationship of commercial uses to each other and to other area's devoted to agricultural, residential, or industrial use and to streets and highways. The purpose of each commercial district is further stated below.

4.4.1 Local Commercial District (C-1):

This district is designed to encourage planned and integrated groupings of stores that will retail convenience goods and provide personal services to meet regular and recurring needs of the neighborhood resident population. To these ends, certain uses, which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district, have been excluded, all displays and sales shall be located in the building.

a. Permitted Uses:

1. Personal services, including barber shops and beauty salons; medical and dental clinics; dry cleaners and self-service laundromats; and repair shops for watches, shoes, radios, televisions, and optical goods.
2. Business services including banks, loan offices, real estate offices, and insurance offices.
3. Offices of an executive, administrative, or professional nature.
4. Retail sale of foods, drugs, notions, books, and similar convenience goods.
5. On-site signs, only in accordance with the regulations as specified in Article V, Section 5.2.4.
6. Essential services and structures of a non-industrial character.
7. Accessory uses or structures.
8. Telecommunication facilities no more than ten (10) feet in height mounted to any existing structure.

b. Conditional Uses:

1. Planned unit commercial developments.
2. Churches and other buildings for religious worship.
3. Government or community owned buildings, but not including schools.
- (Adopted 5/4/92) 4. Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this

district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.

- (Adopted 04/19/99) 5. A telecommunication facility which meets the requirements of Section 5.24 which does not exceed the height of 200 feet and which is not attached to an existing structure.

c. Area, Yard, Height, and Bulk Regulations:

See Section 4.6.

4.4.2 General Commercial District (C-2):

This district is intended to encourage planned and integrated groupings of retail, service, and administrative establishments which will provide convenience and comparison goods and provide personal and professional services for the entire area and to accommodate commercial establishments which cannot be practically provided in a local commercial area.

a. Permitted Uses:

1. Any use permitted in the Local Commercial District.
2. Business schools; including dance schools, music schools, and art schools.
3. Indoor retail sales establishment.
4. Indoor commercial amusement and recreation services, including theaters, bowling alleys, and roller and ice skating rinks.
5. Eating and drinking establishments, but not including the drive-in types.
6. Clubs and lodges.
7. Funeral homes.
8. Printing establishments.
9. On-site signs, only in accordance with the regulations as specified in Article V, Section 5.2.5.
10. Accessory uses or structures.
11. Essential service and structures of a non-industrial character.

12. A telecommunication facility not exceeding 25 feet in height.

b. Conditional Uses:

1. Automobile service stations.

2. Hotels or motels.

3. Small animal clinics.

4. Drive-in business services.

5. Drive-in eating and drinking establishments.

6. New automotive dealership, vehicle display and service with an accessory used car sales.

7. Sales, service and display of recreational vehicles.

8. Churches and other buildings for religious worship.

9. Government or community owned buildings, but not including schools.

10. Car wash facilities.

(Adopted 11/19/79) 11. Manufactured housing sales.

12. Commercial self storage facilities.

(Adopted 10/03/88) 13. Warehouses, truck terminals, and other storage type structural facilities. Such uses shall not include general outdoor storage operations, but are limited to such uses where outdoor parking or storage is incidental to the primary indoor use operated in a structure.

(Adopted 05/04/92) 14. Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.

(Adopted 04/19/99) 15. A telecommunication facility which meets the requirements of Section 5.24 which does not exceed the height of 200 feet and which is not attached to an existing structure.

(Adopted 06/26/00) 16. Convalescent or Nursing Homes

(Adopted 04/03/06) 17. Used car sales.

c. Area, Yard, Height, and Bulk Regulations:

See Section 4.6.

4.4.3 Highway Service Commercial District (C-3):

This district is intended to provide for various commercial establishments offering accommodations, supplies, and services to local as well as through automobile and truck traffic. These districts should be prepared at locations along major thoroughfares or adjacent to the interchange ramps of a limited access highway facility and should encourage grouping of various facilities into centers and discourage dispersion of these activities.

a. Permitted Uses:

1. Any use permitted in the Local or General Commercial Districts.
2. Automobile service stations.
3. Sales, rental, service, and display of vehicles.
4. Drive-in retail and service establishments, except drive-in theaters.
5. On-site and off-site signs, only in accordance with regulations as specified in Article V, Sections 5.2.5 and 5.2.6.
6. Motels and hotels.
7. Eating and drinking establishments.
8. Essential services and structures of a non-industrial character.
9. Accessory uses or structures.
10. Indoor and outdoor commercial amusements.
11. Car wash facilities.
12. A telecommunication facility not exceeding 25 feet in height.

b. Conditional Uses:

1. Motor vehicle repair garages.

2. Drive-in theaters.
- (Adopted 11/19/79) 3. Manufactured housing sales.
4. Commercial self storage facilities.
5. Warehouses, truck terminals, and other storage type structural facilities. Such uses shall not include general outdoor storage operations, but are limited to such uses where outdoor parking or storage is incidental to the primary indoor use operated in a structure.
- (Adopted 05/04/92) 6. Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
7. Adult Drive-In Motion Picture Theater.
8. Adult Entertainment.
- (Adopted 03/16/98) 9. Adult Physical Culture Center Establishment.
10. Adult Motion Picture Theater.
11. Adult Supply Store.
- (Adopted 04/19/99) 12. A telecommunication facility which meets the requirements of Section 5.24 which does not exceed the height of 200 feet and which is not attached to an existing structure..

c. Area, Yard, Height, and Bulk Regulations:

See Section 4.6.

4.4.4 Planned Commercial District (PC-1):

The intent of this district is to provide flexible land use and design regulations for regional commercial shopping centers through the use of performance criteria. The Planned Commercial District shall be designed to relate to the character of surrounding areas, and whenever possible should be capable of functioning as a self-contained commercial development. This district specifically encourages innovations in shopping center development to enable greater variety in type, design, and siting and to achieve a more efficient use of land in such developments.

The Planned Commercial District shall achieve the following objectives:

1. Encourage creative and innovative techniques for shopping center development.
2. Attain more efficient use of land as a result of smaller networks of utilities and streets.
3. Encourage adequate buffers, setbacks, internal traffic circulation, and other amenities as may be needed to protect surrounding properties.

a. General Requirements for Planned Commercial Districts:

(Adopted 12/5/94)

1. Minimum Area - The minimum area required to qualify for a PC-1 District shall not be less than ten (10) contiguous acres of land.
2. Ownership - The tract of land for a project must be either in one ownership or the subject of an application filed jointly by the owners of all the properties included (the holder of a written option to purchase land shall for purposes of such application be deemed to be an owner of such land).

In the case of multiple ownership, the approved plan shall be binding to all owners.

If a portion or all of the parcel zoned PC-1 is subsequently conveyed to a third party or is occupied by a third party as a tenant that successor in title or tenant shall be bound by all of the rules, regulations, and restrictions of the PC District in the same manner that the original applicant was bound by the Zoning Ordinance. Sale of a portion of the parcel or a lease of a portion of the parcel shall not prevent or prohibit development of the portion sold in accordance with the PC rules and regulations, nor shall such sale or lease remove said portion of the parcel from the PC zoning designation.

3. Location of the Planned Commercial District - This District shall be applicable to any area of the Charter Township of Blackman where commercial shopping center development is appropriate and where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of the PC-1 Districts.
4. Permitted Uses - Any use permitted in the General Commercial District. Conditional uses include automobile service stations and government or community owned buildings, but not including schools.

b. Area, Yard, Height, and Bulk Regulations:

While standard zoning practices are appropriate for the regulation of land use in areas or neighborhoods that are already substantially developed, these controls represent a type of pre-regulation and regulatory rigidity which can hinder the creation of more attractive, safe, and efficient commercial shopping centers. Therefore, the intent of this district is to permit enough flexibility in development design so as to allow the development of the most desirable commercial amenities occurring from modern shopping center design techniques, but protecting adjacent residential areas. Where these techniques are deemed appropriate through the rezoning of land for a PC-1 District, use and dimensional specifications elsewhere in this Ordinance are herein replaced by an approved plan becomes the basis for continuing land use controls.

c. Site Plan Review and Approval:

The PC-1 District requires Site Plan Review and approval in accordance with the provisions specified in Section 5.6.

SECTION 4.5 - INDUSTRIAL DISTRICT

It is recognized by this Ordinance that the value to the public of designating certain areas for certain types of industrial uses is represented in the employment opportunities afforded to citizens and the resultant economic benefits conferred upon the Charter Township of Blackman. In order that this value may be maintained and this use encouraged, this Ordinance has established two zoning districts designed to regulate the location of industrial uses according to a well considered plan which reflects the types of such uses and the intensity of land, street, and highway use in each such district; potential nuisances and hazards which may cause unsafe and unhealthy conditions; and the relationship of industrial uses to each other areas devoted to agricultural, residential, or commercial use and to streets, highways, and other means of transportation. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of these districts have been excluded. The purpose of each industrial district is further stated below.

4.5.1 Light Industrial District (I-1):

This district is designed to provide suitable space for light industrial uses which operate in a safe, non-objectionable and efficient manner, and which are compatible in appearance with and require a minimum of buffering measures from adjoining non-industrial zoning district. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful obnoxious matter.

a. Permitted Uses:

1. Wholesale merchandising or storage warehouses.

2. Vehicle repair garages, and body shops, but not including junk yards.
3. Trucking terminals.
4. Farm machinery and equipment sales and repair.
5. Contractor's yard.
6. Industrial office buildings.
7. General service and repair establishments including dyeing, cleaning, or laundry works and upholstery or appliance repair.
8. Assembly and manufacture, from prefabricated parts, of household appliances, electronic products, and similar products; or the processing or assembling of parts for production of finished equipment.
9. Skilled trade services including plumbing, electric, heating, printing, and painting establishments.
10. Research and testing laboratories.
11. Essential services and structures.
12. On-site and off-site signs only in accordance with the regulations as specified in Article V, Sections 5.2.5 and 5.2.6.
13. Commercial self storage facilities.
- (Adopted 04/19/99) 14. Telecommunication facilities. There shall be no maximum height limitation to any existing telecommunication facility and their attendant structures, providing such structure has a fall-down area no less than the height of the telecommunication facility.

b. Conditional Uses:

1. Generally including those light manufacturing uses similar to the permitted uses in this district which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare than that which is generally associated with light industries of the type specifically permitted.
2. Airports and landing areas.
3. Type III landfills.

- 4. Solid waste transfer stations.
- (Adopted 05/04/92) 5. Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
- (Adopted 03/16/98) 6. Adult Drive-In Motion Picture Theater.
- 7. Adult Entertainment.
- (Adopted 03/16/98) 8. Adult Physical Culture Center Establishment.
- 8. Adult Motion Picture Theater.
- 9. Adult Supply Store.
- (Adopted 04/03/06) 10. Used car sales.

c. Area, Yard, Height, and Bulk Regulations:

See Section 4.6.

4.5.2 Heavy Industrial District (I-2):

This district is designed to provide suitable space for industrial operations of all types that can comply with all provisions of this Ordinance and can assure protection of the public interest and surrounding property and persons.

a. Permitted Uses:

- Adopted: 9/21/98 1. All industrial uses, except those designated as conditional uses, not in conflict with any enacted state or local laws, or any provisions of this Ordinance. For the purposes of this section, the requirement that a use have a local or state permit, of any nature or type, before commencing operations shall not be deemed to be a conflict with any state, local law or provision of this Ordinance.
- 2. Railroad terminals.
- 3. Any use permitted in the Light Industrial District.
- 03/16/98 4. Adult Drive-In Motion Picture Theater.
- 5. Adult Entertainment.

- 6. Adult physical Culture Center Establishment.
- 7. Adult Motion Picture Theater.
- 8. Adult Supply Store.

Adopted: 04/19/99

- 9. Telecommunication facilities. There shall be no maximum height limitation to any existing telecommunication facility and their attendant structures, providing such structure has a fall-down area no less than the height of the telecommunication facility.

b. Conditional Uses:

- 1. Junk yards, including vehicle salvage.
- 2. Vehicle storage yards.
- 3. Sanitary landfills.
- 4. Slaughter houses, rendering plants, and animal transfer depots.
- 5. Bulk storage of flammable, corrosives, explosives, and radioactive materials.
- 6. Airports and landing areas.
- 7. Type III landfills.
- 8. Solid waste transfer stations.
- 9. Sewage treatment facilities.

(Adopted 04/03/06)

- 10. Used car sales.

c. Area, Yard, Height, and Bulk Regulations:

See Section 4.6.

Adopted: 12/16/02

SECTION 4.6.01 - OPEN SPACE PRESERVATION

Open Space Preservation: In order to comply with Section 16(h), as added to the Township Zoning Act by Public Act 177 of 2001, notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements of the Ordinance, land zoned for residential development may be developed, at the option of the landowner, as a conditional use in the applicable zoning district with the same number of dwelling units that could otherwise be developed on the

land under existing ordinances, laws, and rules on not more than 50% of the land, if all of the following apply:

1. The land is zoned at a density equivalent to 2 or fewer dwelling units per acre; or, if the land is served by public sewer system, 3 or fewer dwelling units per acre.
2. Not less than 50% of the land area will remain perpetually in an undeveloped state by means of conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
3. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this provision would also depend upon such an extension
4. The development option provided pursuant to this section has not previously been exercised with respect to the subject property.

The development of land under this section is subject to all other applicable ordinances, laws, and rules, including but not limited to:

- a. The provisions of the Zoning Ordinance that are not in conflict with and preempted by Section 16(h) of the Township Zoning Act as added by 2001 Public Act 177 (MCL 125.286h)
- b. The Land Division Act (formerly the Subdivision Control Act, MCL 560.101, et seq.).
- c. Any ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium.
- d. Rules relating to suitability of groundwater for on-site water supply for land not served by public water.
- e. Rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.

As used in this section, the term Undeveloped state@ means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. This term does not include a golf course, but may include a recreational trail, picnic area, children=s play, greenway, or linear park.

SECTION 4.6 - DISTRICT AREA, YARD, HEIGHT, AND BULK REGULATIONS.

| Zoning District | Zoning Symbol | LOT REQUIREMENTS | | | MAX. ALLOWED DENSITY (Dwelling Units Per Gross Acre)** | MIN. YARD REQUIREMENTS (SETBACKS) | | | MAXIMUM BUILDING HEIGHT REQUIREMENTS | | MINIMUM TRANSITION STRIP REQUIREMENTS | REMARKS | |
|---|---------------|----------------------------|----------------|-------------------|--|-----------------------------------|-------------|------|--------------------------------------|-----------|---|---|---|
| | | Min. Lot Area ¹ | Min. Lot Width | Max. Lot Coverage | | Front | Side | Rear | Principal | Accessory | | | |
| Agricultural | AG-1 | 2 acres | 200' | 10% | 0.5 | 60' | 30' | 50' | 22 story or 35' | 80' ***** | None | Single-family detached dwelling units. | |
| | | 5 acres | | | -- | | 60'* | | | | | All other uses. | |
| Recreational Open Space | RO-1 | 5 acres | 300' | 10% | 0.2 | 60' | 20' 60'* | 50' | 22 story or 35' | 80' | None | -- | |
| Rural Non-Farm Residential ² | RNF-1 | 1 acre | 150' | 20% | 1.0 | 60' | 20' | 35' | 22 story or 30'* | 12' | None | Single-family detached dwelling units. | |
| | | 2 acres | | | -- | | 60'* | | | | | All other uses. | |
| Suburban Residential ² | RS-1 | 10,000 sq' | 75' | 30% | 4.3 | 35' | 10' | 20' | 22 story or 30'* | 12' | None | Single-family detached dwelling units with central sewerage. | |
| | | 15,000 sq' | 90' | | 2.9 | | 25' tot | | | | | 35'* | Single-family detached dwelling units without central sewerage. |
| | | 1 acre | 120' | | -- | | | | | | | | All other uses. |
| Urban Residential ² | RU-1 | 7,500 sq' | 60' | 30% | 5.8 | 35' | 10' | 25' | 22 story or 30'* | 12' | None | Single-family detached dwelling. | |
| | | 1 acre | | | -- | | 25' tot | | | | | All other uses. | |
| Two-Family Urban Residential ³ | RU-2 | 7,500 sq' | 60' | 30% | 5.8 | 35' | 10' 25' tot | 25' | 22 story or 30'* | 12' | That the rear yard setback be 3 times the height of the proposed multi-family dwellings if less than a visual screening be provided per discretion of the charter township planning commission. | Single-family with sewage. | |
| | | 12,500 sq' | 90' | | 3.4 | | | | | | | Single-family without sewage. | |
| | | 15,000 sq' | | | 2.9 | | | | | | | Two-family with central sewerage. | |
| | | 25,000 sq' | -- | | 1.7 | | | | | | | Two-family without central sewerage. | |
| | | 1 acre | | | -- | | | | | | | | All other uses. |
| Multi-Family Residential ³ | RM-1 | 7,500 sq' | 60' | -- | 5.8 | 35' | 10' | 25' | 3 story or 35' | 12' | That the rear yard setback be 3 times the height of the proposed multi-family dwellings if less than a visual screening be provided per discretion of the charter township planning commission. | Single-family detached dwelling unit. | |
| | | 10,000 sq' | 80' | | 4.3 | | 25' tot | | | | | Two-family detached dwelling unit. | |
| | | 15,000 sq' | 120' | | 17.2***** | | 35' | | | | | 15,000 sq. ft. first 3 units plus 2,000 sq. ft. for each additional dwelling. | |
| | | 2 acre | 120' | | -- | | | | | | | All other uses. | |

* Corner lot.
 ** (See 4.6.4b) One additional foot of side, rear, and front yard setback required for every one foot of building height over 25 feet if any part of the lot abuts a residential district.
 *** Maximum allowed density (dwelling units per gross acre) represents density per acre (43,560 sq. ft.), inclusive of streets, parks, all other land uses.
 **** 17.2 units for the first acre, plus 21.7 units per acre for each additional acre.
 ***** Does not include signs.
¹ Lot width for CUL-DE-SAC will be determined as required setback.
² Preliminary Plat Review Required.

SECTION 4.6 - DISTRICT AREA, YARD, HEIGHT, AND BULK REGULATIONS.

| Zoning District | Zoning Symbol | LOT REQUIREMENTS | | | MAX. ALLOWED DENSITY (Dwelling Units Per Gross Acre)*** | MIN. YARD REQUIREMENTS (SETBACKS) | | | MAXIMUM BUILDING HEIGHT REQUIREMENTS | | MINIMUM TRANSITION STRIP REQUIREMENTS | REMARKS | | | | | | | |
|--|---------------|-------------------------------|----------------|-------------------|---|-----------------------------------|-----------------------------------|------|--------------------------------------|------------------|---|--|---------------|----------------|---------------|-------------------|-----|-------------------|--|
| | | Min. Lot Area ¹ | Min. Lot Width | Max. Lot Coverage | | Front | Side | Rear | Principal | Accessory | | | | | | | | | |
| Planned Residential Development ³ | PR-1 | (see PR-1 District) | | | -- | -- | -- | -- | -- | -- | None | -- | | | | | | | |
| Mobile Home Residential ^{1***3} | MH-1 | For Mobile Home Subdivisions: | | | | 35' | 10' 25' tot 35' | 20' | 22 story or 30 ^{***} | 12' | None | Mobile home site with central sewage. | | | | | | | |
| | | 10,000 sq' | 75' | 30% | 4.3 | | | | | | | | | | | | | | |
| | | 15,000 sq' | 90' | | 2.9 | | | | | | | | | | | | | | |
| | | For Mobile Home Parks: | | | | | | | | | | | 8' 20' tot | 10' 25' tot | 8' 20' tot | 1 story or 15' | 12' | See MH-1 District | Minimum site size of a Mobile Home Park. |
| | | 10 acres | 35' | 15% | -- | | | | | | | | | | | | | | |
| | | 5,000 sq' | | | 8.7 | | | | | | | | | | | | | | |
| Office ³ Research | O-1 | 10,000 sq' | 80' | 35% | -- | 35' | 10' 25' tot 25 [*] | 25' | 22 story or 35' | 25' | Fence, wall, or hedge 4'-6' ft. abutting a residential district. Also 20' deep landscaped strip along a public street if adjacent to a public street. | Uses with central sewage and water systems. | | | | | | | |
| | | 15,000 sq' | 100' | | -- | | | | | | | Uses without central sewage and water systems. | | | | | | | |
| Office ³ Research | O-2 | 10,000 sq' | 80' | 35% | -- | 35' | 10' 25' tot 25 [*] | 25' | 22 story or 35' | 25' | Fence, wall, or hedge 4'-6' ft. abutting a residential district. Also 20' deep landscaped strip along a public street if adjacent to a public street. | | | | | | | | |
| | | 15,000 sq' | 100' | | -- | | | | | | | | | | | | | | |
| Local Commercial ³ | C-1 | 10,000 sq' | 80' | 25% | -- | 35' | 20' 35 ^{**} | 35' | 25' | 25' | 4'-6' high fence and 5' wide strip or solid masonry wall of 4'-6' in height if abutting a residential district. Also 20' deep landscaped strip along public street if adjacent to a public street. | With central sewage and water systems. | | | | | | | |
| | | 15,000 sq' | 100' | | | | | | | | | Without central sewage and water systems. | | | | | | | |
| General Commercial ³ | C-2 | 10,000 sq' | 80' | 25% | -- | 35' | 20' 35 ^{**} | 20' | 35 ^{**} | 35 ^{**} | 6'-8' high fence not more than 50% void (to provide ventilation and light). The minimum dimension of any opening not greater than 4" and a 10' wide buffer strip or a 6'-8' solid masonry wall if abutting a residential district. Also 20' deep landscaped strip along a public street if adjacent to a public street. | With central sewage and water systems. | | | | | | | |
| | | 15,000 sq' | 100' | | | | | | | | | Without central sewage and water systems. | | | | | | | |

¹ Corner lot.

** (See 4.6.4b) One additional foot of side, rear, and front yard setback required for every one foot of building height over 25 feet if any part of the lot abuts a residential district.

*** Maximum allowed density (dwelling units per gross acre) represents density per acre (43,560 sq. ft.), inclusive of streets, parks, all other land uses.

**** Does not include signs.

¹ Lot width for CUL-DE-SAC will be determined as required setback.

² Preliminary Plat Review Required.

SECTION 4.6 - DISTRICT AREA, YARD, HEIGHT, AND BULK REGULATIONS.

| Zoning District | Zoning Symbol | LOT REQUIREMENTS | | | MAX. ALLOWED DENSITY (Dwelling Units Per Gross Acre)*** | MIN. YARD REQUIREMENTS (SETBACKS) | | | MAXIMUM BUILDING HEIGHT REQUIREMENTS | | MINIMUM TRANSITION STRIP REQUIREMENTS | REMARKS |
|--|---------------|---------------------|----------------|-------------------|---|-----------------------------------|-------------|------|--------------------------------------|-----------|---|---------|
| | | Min. Lot Area | Min. Lot Width | Max. Lot Coverage | | Front | Side | Rear | Principal | Accessory | | |
| Highway Service Commercial ³ | C-3 | 15,000 sq' | 100' | 25% | -- | 35' | 20' 35'* | 20' | 35'** | 35'**** | 6'-8' high fence not more than 50% void (to provide ventilation and light). The minimum dimension of any opening not greater than 4" and a 15' wide buffer strip or a 6'-8' solid masonry wall if abutting a residential district. Also 20' deep landscaped strip along a public street if adjacent to a public street. | -- |
| Planned Commercial District ³ | PC-1 | (See PC-1 District) | | | -- | -- | -- | -- | -- | -- | -- | -- |
| Light Industrial ³ | I-1 | 20,000 sq' | 100' | 25% | -- | 35' | 20' 35'* | 35' | 35' | 35' | Buffer strip to be 5' wide and a solid masonry wall not less than 6' but not greater than 8' in height if abutting a residential or commercial district. Also 20' deep landscaped strip along a public street if adjacent to a public street. | -- |
| Heavy Industrial ³ | I-2 | 3 acres | 300' | 25% | -- | 50' | 60' | 60' | 35' | 35' | Buffer strip to be 5' wide and a solid masonry wall not less than 6' but not greater than 8' in height if abutting a residential or commercial district. Also 20' deep landscaped strip along a public street if adjacent to a public street. | -- |

* Corner lot.
 ** (See 4.6.4b) One additional foot of side, rear, and front yard setback required for every one foot of building height over 25 feet if any part of the lot abuts a residential district.
 *** Maximum allowed density (dwelling units per gross acre) represents density per acre (43,560 sq. ft.), inclusive of streets, parks, all other land uses.
 **** Does not include signs.
² Preliminary Plat Review Required.
³ Site Plan approval by Planning Commission.

4.6.1 Compliance with Regulations:

- a. No building or structure shall hereafter be erected or altered to exceed the height, to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards, and other open spaces than prescribed for the district in which the building or structure is located.
- b. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth for the district in which the yard or lot is located. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- c. No part of a yard or other open space required for or in connection with any structure for the purpose of complying with this ordinance, shall be included as part of a yard or open space similarly required for any other structure.
- d. No basement or cellar shall be erected for dwelling purposes except after approval by the Charter Township of Blackman Zoning Board of Appeals.
- e. Essential services shall not be subject to district area, height, yard, and bulk regulations, but shall be approved by the Zoning Administrator to assure that they do not interfere with or jeopardize the health, safety and welfare of the residents and surrounding uses. All Zoning Districts, except Residential.

Adopted:
5/4/92

4.6.2 Yard Measurements:

1. Lots which abut on more than one street shall provide the required front yards along every street.
2. All front, side, and rear yards shall be the minimum perpendicular distance measured from the principal structure, excluding all projections not exceeding three (3) feet in length from the structure wall.

4.6.3 Lot Width:

Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between said lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80%) percent of the required lot width, except in the case of lots on the turning circle of cul-de-sacs, where the eighty (80%) percent requirements shall not apply.

4.6.4 Height Exceptions:

Exceptions to the maximum height regulations for each district specified in this Ordinance may be permitted subject to the following provisions:

1. Height Limitations:

The limitations affecting the height of structures shall not apply to the following appurtenant appendages and structures provided they comply with all other provisions of this or any other applicable ordinances, parapet walls, chimneys, smokestacks, church spires, flagpoles, radio and television towers, penthouses for mechanical equipment, and water tanks.

2. Increased Height:

Building height in excess of the height above average ground level allowed in any district may be permitted by the Board of Appeals provided all minimum front, side, and rear yard depths are increased one (1) foot for each additional one (1) foot of height and provided that adequate fire protection and compatibility with existing structures heights can be demonstrated.

4.6.5 Accessory Structures:

- a. No detached accessory building or structure shall be located closer than ten (10) feet to any other building or structure.
- b. All detached accessory structures in any residential district shall be subject to the same dimensional requirements affecting the principal structure, except however, such accessory structure may be placed not less than five (5) feet from any rear lot line or the rear yard portion of any side lot line; and shall not exceed sixteen (16) feet in height.
- c. All accessory structures in non-residential districts shall be subject to the same standards and requirements as specified in tables of Section 4.6.

4.6.6 Distance Between Grouped Buildings:

In addition to the required setback lines provided elsewhere in this Ordinance, in group dwellings (including semi-detached and multiple dwellings) the following minimum distances shall be required between each said dwelling.

- a. Where buildings are front to front or front to rear, three (3) times the height of the taller building, but not less than seventy (70) feet.
- b. Where buildings are side to side, one (1) times the height of the taller building but not less than twenty (20) feet.

- c. Where buildings are front to side, rear to side, or rear to rear, two (2) times the height of the taller building but not less than forty-five (45) feet.

4.6.7 Lot Building Relationship: (Adopted 6/17/96)

Hereafter, every structure erected, altered, or moved shall be located on a lot as defined in this Ordinance, and except in the use of an approved multiple-family development, there shall be no more than one (1) principal structure and its permitted accessory structures located on each recorded parcel or lot in the Agricultural District and any Residential District.

ARTICLE V

SUPPLEMENT REGULATIONS

SECTION 5.1 - PURPOSE

It is the purpose of this article of this ordinance to provide regulations and requirements that supplement the provisions contained under the respective district regulations in Article IV, and may or may not apply in all zoning districts.

SECTION 5.2 - SIGN REGULATIONS (Adopted 12/05/94)

5.2.1 Purpose

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

The principal features are the restriction of advertising to the use of the premises on which the sign is located and the restriction 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.

5.2.2 Definitions

a. Abandoned Sign:

A sign which no longer advertises or identifies a business, 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 Center:

A group of two 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 Charter Township of Blackman Zoning Ordinance.

f. Free Standing Sign:

A sign supported by a structure independent of any other structure. grade.

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, or the principal 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 principal 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 advertises or 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, service, 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, commodity, service, business, profession, or industry, which is located on any land or in any building, in such manner as to attract attention from outside the premises, except signs not exceeding one (1) square foot in area bearing only property numbers, post box numbers, or names of occupants of premises.

m. Temporary Sign:

A sign that is intended to be displayed for a limited period of time, as specified in Section 5.2.10 herein.

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 wall.

o. Window Sign:

A sign installed on, or in, a window for the 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.

5.2.3 General Sign Regulations

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

a. Illuminated Signs:

1. Residential Districts - Only indirectly illuminated signs shall be allowed in any residential district provided such sign is so shielded as to prevent direct light rays from being visible from a public right-of-way or any adjacent residential property.
2. Commercial, Wholesale-Warehouse, Office, Research Development and Industrial Districts - Indirectly or internally illuminated signs are permitted provided such signs are so shielded as to prevent direct light rays from being visible from a public right-of-way or any adjacent residential property.
3. No sign shall have blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color, or which are so constructed and operated as to create an appearance of writing or printing or a traffic signal, except that movement showing date, time, message and temperature exclusively shall be permitted. Nothing contained in this Ordinance shall be construed as preventing use of lights or decorations related to religious and patriotic festivities. Beacon lights or search lights shall not be permitted as a sign for advertising purposes except as provided in Section 5.2.10, Temporary Signs. No sign described in this subsection shall be located closer than ten (10') feet of ground level.
4. All illuminated signs shall comply with the applicable National Electrical Code provisions concerning signs and wiring.

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 forms comprising all of the display area of the sign and including all of the elements of the matter displayed as measured three (3") inches in from the outside border of said geometric form or combination of forms.

c. Height of Sign:

No free standing sign shall exceed a height of thirty-five (35) feet.

d. Setback Requirements for Signs:

All signs shall be set back from the adjacent road by a distance of not less than one-half (2) of the setback required for a structure on said parcel as provided for in the setback requirements of this Zoning Ordinance.

e. Business Flags:

Business flags shall be permitted in commercial, office, wholesale, and warehousing, research and development, and industrial zoning districts, subject to the following regulations.

1. The flags shall be located on the same lot as the business building or use.
2. Notwithstanding any other provision of this Ordinance, business flags shall meet the yard requirements for signs and the height limits for structures in the zoning district in which located.
3. The area of each business flag shall not be included in the sign area that is permitted on a lot.
4. Not more than one business flag shall be permitted for each public road frontage of the lot on which located.
5. All business flags shall be set back from adjacent roads no less than one-half (2) of the minimum setback required for a structure on said parcel as provided for in this Zoning Ordinance.

5.2.4 Signs Permitted In All Districts

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

- a. Off premise signs which bear names, information and emblems of service clubs, places of worship, civic organizations, and quasi-public uses shall be permitted. Each sign shall be not more than eight (8) 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 property line. All signs shall be consolidated within a single-frame, if more than one sign is placed at one location.
- 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 eight (8) square feet in area for each sign. Horizontal directional signs, on and flush with paved areas may exceed eight (8) square feet. Directional signs shall be

located on the property on which they are directing traffic and shall be located behind the front right-of-way line.

- c. One church, civic organization, public building, or school announcement bulletin shall be permitted on any site that contains a church, civic organization, public building, or school regardless of the district in which it is located, provided said bulletin does not exceed thirty-two (32) square feet in area where the speed limit is forty-five (45) miles per hour or less and sixty (60) square feet in area where the speed limit is forty-six (46) miles per hour or more and a height of twenty-five (25) feet, and is set back from an adjacent road a minimum of one-half (2) of the setback required for a structure on said parcel as provided in this Zoning Ordinance. When a church, civic organization, public building or school has an identification sign as permitted elsewhere in this Ordinance, an announcement bulletin shall not be permitted.

5.2.5 Prohibited Signs

- a. Miscellaneous Signs and Posters:

Tacking, pasting, or otherwise affixing signs or posters that are visible from a public way, and located on the walls of buildings, barns, sheds, or on trees, poles, posts, or fences shall be prohibited. Warning signs, such as "no trespassing" and "no hunting" and other postings required by law shall be exempt from this provision.

- b. Banners:

Banners, pennants, search lights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, or other gas-filled figures shall be prohibited except as provided in Section 5.2.10 (g) - Temporary Signs.

- c. Swinging Signs:

Signs that swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment shall be prohibited.

- d. Moving Signs:

Except as otherwise provided in this Section, any sign or any portion thereof that moves or assumes any motion constituting a non-stationary or fixed condition shall be prohibited.

- e. Parking of Advertising Vehicles:

No person shall park any vehicle or trailer on a public right-of-way, public property, or on private property so as to be visible from a public right-of-

way, which has attached thereto or located thereon any sign or advertising device for the purpose of directing people to a business or activity. Currently licensed vehicles and trailers that have painted upon them in a permanent manner the name of the product which they deliver and/or the name and address of the owner shall be excluded from this provision.

f. 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 prohibited.

g. Flags:

Flags other than those of any nation, state or political subdivision or business as otherwise provided in this Ordinance, shall be prohibited except as permitted under Section 5.2.10 (e).

h. Portable Signs:

Portable signs, except any temporary sign permitted in Section 5.2.10 herein, shall be prohibited.

I. Unclassified Signs:

The following signs are prohibited.

1. Signs that 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 Section.
2. Signs that 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 street sign or signal or which obstruct the view in any direction at a street or road intersection.
3. Signs that contain statements, words or pictures or an obscene, pornographic or immoral character.
4. Signs that are painted directly on to a wall or any other part of a building.
5. Signs that are painted on or attached to any fence or any wall that is not a structural part of a building except to identify a residence.

6. Signs that emit audible sound, odor, or visible matter.
7. Roof signs that extend above the peak of the roof.

5.2.6 Permitted Signs in Recreation-Conservation and Agricultural Districts

- a. One sign advertising the type of farm products grown on a farm premises. Such sign shall not exceed twenty-four (24) square feet in area.
- b. One identification sign shall be permitted for each public street frontage having a curb cut for a vehicle entrance, for a school, church building or other authorized use or lawful nonconforming use except a home occupation. Where a church has an announcement bulletin as permitted in Section 5.2.4 hereof, said identification sign shall not be permitted. Each sign shall not exceed thirty-two (32) square feet in area.
- c. One identification sign shall be permitted for a home occupation. The sign shall not exceed three (3) square feet in area and shall be attached flat against the front wall of the building.

5.2.7 Permitted Signs in Residential Districts

- a. One identification sign shall be permitted for each public street frontage of a subdivision, multiple-family building development, or a mobile home park. Each sign shall not exceed thirty-two (32) square feet in area. One additional sign advertising "For Rent" or "Vacancy" may be placed on each public street frontage of a rental residential development provided that such sign shall not exceed three (3) square feet in area and is incorporated into the identification sign. Each sign shall be set back not less than five (5) feet from the right-of-way line of any public street, and shall not exceed four (4) feet in height.
- b. One identification sign shall be permitted for each public street frontage having a driveway for a school, church, public building, or other authorized use or lawful nonconforming use, except home occupations. Where a church has an announcement bulletin as permitted in Section 5.2.4 (c) herein, said identification sign shall not be permitted. Each sign shall not exceed thirty-two (32) square feet in area and eight (8) feet in height.
- c. One identification sign shall be permitted for a home occupation. The sign shall not exceed three (3) square feet in area and shall be attached flat against the front wall of the building.

5.2.8 Permitted Signs in Commercial, Office and Industrial Districts

On-site canopy or marquee signs, wall signs, and free standing signs are permitted in all commercial, office, and industrial districts subject to the following conditions:

- a. Signs permitted for a single buildings on developed lots or groups of lots developed as one lot, not in a business center subject to Section 5.2.8 (b):
 1. Area - Each developed lot shall be permitted at least eighty (80) square feet of sign for all exterior on-site signs. The area of exterior on-site signs permitted for each lot shall be determined as two (2) square feet of sign area for each one (1) linear foot of building length which faces one public street.
 2. Number - Each developed lot shall be permitted two (2) exterior on-site signs. For every developed lot that has frontage on two collector or arterial streets, three (3) exterior on-site signs shall be permitted. Only one freestanding identification sign shall be permitted on any street frontage. 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. The total area of all exterior signs shall not exceed the total sign area permitted in Section 5.2.8 (a)(1).
- b. Signs permitted for a shopping center, office park, industrial park, or other integrated group of stores, commercial buildings, office buildings or industrial buildings, not subject to Section 5.2.8 (a):
 1. Free Standing Signs: Each business center shall be permitted one free standing identification sign for each frontage on a public street. Each sign shall state only the name of the business center and the major tenants located therein. The maximum permitted sign area shall be determined as one (1) square foot for each one (1) linear foot of building which faces one public street. The maximum area for each free-standing sign shall be two hundred (200) square feet. Tenants of a business center shall not permit individual free-standing identification signs.
 2. Wall Signs: Each business in a business center with ground floor frontage shall be permitted one exterior wall sign. The sign 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 businesses without ground floor frontage shall be permitted one combined exterior wall sign not more than twenty-four (24) square feet in area.
 3. Park Signs: A free standing sign, identifying the primary tenants in an office park or an industrial park, may be installed at the entrance(s) to a park. Each parcel in a park will be allowed one (1) available space on a park sign. Each space shall be no larger than

eight (8) inches by forty-eight (48) inches. Park signs shall be no higher than six (6) feet above the height of the public road at the point of the centerline most closely adjacent to the sign. No park sign shall be greater than eight (8) feet long. All park signs shall be located no closer to an adjacent road than one-half (2) of the minimum setback required for a structure on said parcel as provided in this Zoning Ordinance.

- c. A time and temperature sign shall be permitted in addition to the above permitted signs, 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.
- d. No canopy or marquee sign shall extend into a public right-of-way except by variance granted by the Zoning Board of Appeals. In granting such a variance the Board of Appeals shall assure that the requirements of Section 7.3 of this Ordinance are complied with; that the minimum clearance of such sign is eight (8) feet measured from the sidewalk surface to the bottom edge of the sign; that the sign does not obstruct pedestrian or vehicular view; and that the sign does not create a hazard for pedestrian or vehicular traffic.
- e. In addition to the provisions of Section 5.2.8 (a) and (b) preceding, an automobile service station may have one additional sign for each public street frontage having a driveway, 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 street traffic by motorists or pedestrians are not obstructed. Said sign shall not exceed eight (8) square feet in area.
- f. Service Station Signs: Notwithstanding any of the provisions of this Article, no signs shall be located on fuel pump islands, except those constituting an integral part of the pump or those required by State law or regulation. No signs shall be attached to light standards. No signs shall be attached to fuel pump canopies except those identifying "self-service" and "full-service" pumps or similar messages, in which case the maximum sign size shall be six (6) square feet.

5.2.9 Outdoor Advertising Signs (Off-Site Signs)

Outdoor advertising signs shall be permitted only in accordance with the following regulations:

- a. Outdoor advertising signs shall be permitted only on undeveloped and unimproved lots in agricultural districts on state or federal highways, C-3, I-1, and I-2 districts, and shall be considered the principal use of such lots. Signs shall not be placed on a lot with any other building thereon, and no other structure shall be placed on a lot where such sign is located.
- b. Where two (2) or more outdoor advertising signs are located along the frontage of a street or highway, they shall be not less than one-thousand (1,000) feet apart. A double face (back to back) of 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 faces, or panels.
- d. 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 Zoning Inspector if it can be shown that excessive grades, buildings, bridges, and similar conditions obstruct views of the sign.
- e. Outdoor advertising signs shall not be erected on the roof of any building nor have one sign above another.

5.2.10 Temporary Signs

- a. In single-family and two-family districts one sign for each public street frontage advertising a recorded subdivision or development shall be permitted. Each sign shall not exceed sixty-four (64) square feet in area. Each sign shall be removed within two (2) years after it is erected or when seventy-five (75%) percent of all lots or units within the subdivision or development are sold, whichever first occurs.
- b. In multiple-family districts one sign, not to exceed sixty-four (64) square feet in area shall be permitted on each public street frontage of a new multiple-family development for the purpose of advertising new dwelling units for rent or sale. Each sign shall be removed within sixty (60) days of the initial rental or sale of seventy (70%) percent of the dwelling units within the development.
- c. One identification sign shall be permitted for all building contractors, one for all professional design firms and one for all lending institutions on sites under construction, each sign not to exceed six (6) 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 join together in one identification sign, such sign shall not exceed thirty-two (32)

square feet in area, and not more than one sign shall be permitted on a site. Signs shall have a maximum height of ten (10) feet and shall be confined to the site of the construction, construction shed or construction trailer and shall be removed within fourteen (14) days after the issuance of a certificate of occupancy.

- d. 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 of function is to occur, shall be permitted. Maximum sign area shall not exceed thirty-two (32) square feet. Signs shall be allowed no more than fourteen (14) days in a calendar year. If building mounted, signs shall be flat wall signs and shall not project above the roof line. If ground mounted, signs shall not exceed six (6) feet in height. Signs shall be set back in accordance with Section 5.2.3 (d) of this Ordinance.
- e. Banners, pennants, search lights, balloons, or other gas filled figures shall be permitted at the opening of a new business in a commercial or industrial district, for a period not to exceed fourteen (14) consecutive days. Such signs shall not obstruct pedestrian or vehicular view and shall not interfere in any way with safe traffic flow.
- f. Temporary 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 the property line, shall be permitted on approach routes to an open house, only for day of open house. Signs shall not exceed three (3) feet in height.
- g. In residential districts one (1) temporary real estate "For Sale" , "For Rent" , or "For Lease" sign, located on the property and not exceeding six (6) square feet in area shall be permitted. In all other zoning districts one (1) sign of this type shall be permitted, provided it does not exceed thirty-two (32) square feet in area and is set back in accordance with Section 5.2.3 (d) of this Ordinance. If the lot has multiple frontage one additional sign not exceeding six (6) square feet in area in residential districts or thirty-two (32) square feet in area in all other districts shall be permitted. Under no circumstances shall more than two (2) such signs be permitted on a lot. Such signs shall be removed within seven (7) days following the sale, rent, or lease. In no case shall a sign advertising the sale, rent, or lease of a building that is not located on the property on which the sign is located, be permitted.
- h. In all Commercial and Industrial Districts, a sign designed as portable or mobile, banners, inflatables, or other gas filled figures, which are in compliance with Section 5.2.3, may be used on each street frontage. A valid Temporary Sign Permit will be required for each sign in each location. Permits shall be issued for a maximum of fifteen (15) days within a ninety (90) day period upon payment of a fee established by the Charter Township of Blackman. Each sign will further comply with the following:

1. Signs shall be marked with manufacturer=s name.
2. Signs shall not be illuminated.
3. All signs shall be placed no closer to the street right-of-way line than one-half (2) the minimum authorized front yard depth.
4. The Complete sign unit shall be firmly anchored to the ground

Portable or mobile only

5. Signs shall not exceed thirty-two (32) square feet in area.
6. Signs shall not exceed six (6) feet in height measured from the surface of the ground.

5.2.11 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 performance of a public duty, such as directional signs, regulatory signs, warning signs, and informational signs.
- b. Political campaign signs shall be removed no later than five (5) days following the election or primary.
- c. Names of buildings, date of erection, monument citations, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of other permanent type construction and made an integral part of the structure.

5.2.12 Nonconforming Signs

Nonconforming signs shall not:

- a. Be re-established after the activity, business or usage to which it relates has been discontinued for ninety (90) days or longer.
- b. Be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type or design of the sign.
- c. Be re-established after damage or destruction, if the estimated expense or reconstruction exceeds fifty (50%) percent of the replacement cost as determined by the Building Inspector.

5.2.13 Permits and Fees

- a. A permit shall be required to erect or replace a sign, or to change the copy of a sign, that is regulated by Section 5.2.4 and 5.2.6 through 5.2.10 (e) herein. The application shall be made by the owner of the property, or authorized agent thereof, to the Township Zoning Inspector, by submitting the required forms, fees, exhibits and information. Fees for sign permits shall be established by resolution of the Township Board.
- b. An application for a sign permit shall contain the following:
 1. The applicant's name and address in full, and a complete description of the relationship to the property owner.
 2. If the applicant is not the property owner, the signature of the property owner concurring in submittal of the application.
 3. The address of the 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 drawing of the sign, including all dimensions and the area in square feet.
- c. All signs shall be inspected by the Township Zoning Inspector for conformance to this Ordinance prior to placement on the site.
- 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 (30) days upon request by the applicant and approval of the Zoning Inspector.
- 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.
- f. Signs for which a permit is required shall be inspected periodically by the Zoning Inspector for the compliance with this Ordinance and other codes, requirements and laws of the Charter Township of Blackman, including but not limited to the National Electrical Code, State Construction Code, and State Mechanical Code.

5.2.14 Removal of Signs

- a. The Zoning Inspector or Zoning Administrator shall order the removal of any sign erected or maintained in violation of this Ordinance except for legal nonconforming signs. Thirty (30) days notice in writing shall be given to the owner of such sign or of the building, structure, or premises on which said sign is located to remove the sign or to comply with this Ordinance. The Township may after thirty (30) days notice remove the sign. The Township shall also remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any cost of removal incurred by the Township shall be assessed to the owner of type property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes and such charge will be a lien on the property.
- b. A sign shall be removed by the owner or lessee of the premises upon which the sign is located within thirty (30) days after the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Township shall remove it in accordance with the provisions stated in Section 5.2.14 (a) preceding. These removal provisions shall not apply where a subsequent owner or lessee conducts the same type of business and agrees to maintain the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this Ordinance.

SECTION 5.3 - OFF-STREET PARKING REQUIREMENTS (Adopted 12/21/98)

In all districts, there shall be provided at the time of any building, structure, or use is established, enlarged, or increased in capacity, off-street parking, loading and unloading spaces for motor vehicles with requirements herein specified. Such off-street parking spaces shall be maintained, and shall not be encroached upon by structure or other uses so long as the principal building, structure, or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance. Site access routes shall be limited and defined.

Plans and specifications showing required off-street parking, loading and unloading spaces, including the means of site access and interior circulation, shall be submitted to the Zoning Inspector for review at the time of application for a zoning compliance permit, for the erection or enlargement of a building.

The Planning Commission may at its sole discretion alter the requirements set forth herein, provided that the owner applies to the Planning Commission showing good cause why these requirements should be altered.

5.3.1 Off-Street Parking:

Where required:

- a. Off-street parking for motor vehicles shall be provided as herein prescribed for the use of occupants, employees, and patrons of a principal use hereafter erected, altered, or expanded after the effective date of this Ordinance. Required off-street parking shall be maintained so long as the principal use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.
- b. No off-street parking which exists at the time this Ordinance becomes effective or which is provided for the purpose of complying with provisions of this Ordinance, shall thereafter be reduced below the requirements established by this Ordinance.

1. Parking and Vehicle Storage Restrictions:

1. Residential Districts.

Overnight parking of motor vehicles in residential districts shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, except for those parked on school or church property, is prohibited in a residential zone. The parking of any vehicles or trailers that are loaded with trash or refuse is prohibited in a residential zone except as needed for the immediate loading of such materials to remove the same from the property.

Private or commercially owned semi-trucks or a combination of both are not allowed to park at any time, including overnight parking in a residential district. Parking of these vehicles will be allowed only in commercial or industrial districts. Short time parking for such as deliveries and moving vans is allowed.

2. Commercial and Industrial Districts.

The requirements for off-street parking is not intended to provide for the storage of vehicles or prolonged parking in any such parking area.

Parking or storage of trucks over one (1) ton and semi-trailers, except those owned and operated by the principal use

of the lot, shall be prohibited for a period of more than seventy-two (72) hours in a month.

The only exception to this requirement shall be vehicle storage space used in connection with or relation to a motor vehicle repair use shall be exempt from these provisions.

In commercial districts the temporary use of a storage trailer shall be allowed pending construction of a permanent storage structure. Providing, however, that temporary storage may take place only after a building permit has been taken out for the permanent storage structure, and the temporary use of a storage trailer shall terminate upon completion of the storage structure or the expiration of the building permit, whichever first occurs.

3. All Districts.

Storage of products, materials, or equipment in semi-trailers shall be prohibited in any zoning district, except in the AG-1 and I-2 Districts. Additional storage requirements are set forth in Section 5.9 of this Zoning ordinance.

Sales of products, merchandise, or other materials from semi-trailers shall be prohibited in any zoning district.

4. Recreational Vehicles.

See Section 5.11 of the Zoning Ordinance.

2. Location of Parking:

Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof except that the distance shall not exceed one hundred fifty (150) feet for any dwelling unit. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the building or use that such facility is required to serve.

3. Required Screening:

Off-street parking which will abut residentially zoned or used property shall be screened in accordance with Section 4.6 of the Zoning Ordinance.

4. Determining Requirements:

For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

1. Floor Area:

In the case where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage, installations of mechanical equipment, penthouse housing ventilators and heating systems, and similar uses.

2. Employees:

For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.

3. 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 twenty-four (24) inches of such shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

d. Fractions:

When units of measurement determining the number of required parking spaces result in requirements of a fractional space, any fraction up to and including one-half (2) shall be disregarded and fractions over one-half (2) shall require one (1) parking space.

5. Off-Street Parking Requirements:

1. Any use which requires a site plan under the provisions of Section 5.6 shall comply with the provisions of this Section. The amount of required off-street parking spaces for new uses or building, and additions to existing buildings shall be determined in accordance with the schedule set forth in

Section 5.3.1(b)(6). Where multiple uses occur, parking shall be calculated on the basis of each use.

- b. Similar uses and requirements. When a use is not specifically mentioned, the requirements of off-street parking for a similar use shall apply.

6. Schedule of Off-Street Parking Requirements:

| USE | REQUIRED NUMBER OF PARKING SPACES PER EACH UNIT OF MEASURE AS FOLLOWS: |
|--|---|
| 1. Residential Uses: | |
| 1. One or two Family Dwelling Unit | Two per each dwelling unit |
| 2. Multiple-Family Dwelling | Two per each dwelling plus one per five dwelling units. |
| 3. Senior Citizen Housing | 1.5 per each dwelling unit |
| 4. Mobile Home Park | Two per each mobile home site, plus one per each five dwelling units. |
| 2. Institutional Uses: | |
| 1. Churches | One per each three seats based on maximum seating capacity in the main place of assembly therein, plus five per each classroom. |
| 2. Private Clubs and Lodges | One per each three individual members allowed within the maximum occupancy load as established by fire and/or building codes. |
| 3. Hospitals | One per each administrative, professional and staff member, plus one per each three beds. |
| 4. Convalescent Homes, Homes for the Ages, Nursing Homes, Children's Homes | One per each administrative, professional and staff member, plus one per each five beds. |

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| 5. | High Schools, Trade Schools, Colleges and Universities | One per each administrative and staff member, plus eight per each classroom. |
| 6. | Junior High School | One per each administrative and staff member, plus two per each classroom. |
| 7. | Elementary Schools | One per each administrative and staff member, plus two per each classroom. |
| 8. | Child Care, Group Day Care Homes, and Nursery Schools | One per each administrative and staff member, plus one per each four students of licensed capacity. |
| 9. | Stadiums, Sports Arenas & Auditoriums | One per each four seats based on maximum seating capacity. |
| 10. | Libraries and Museums | One per each 200 square feet of floor area plus one per each employee. |
| 3. | <u>General Commercial Uses:</u> | |
| 1. | Retail stores, except as otherwise specified herein | One per 100 square feet of floor area. |
| 2. | Supermarkets, Drugstores and other self-serve retail establishments | One per 150 square feet of floor area. |
| 3. | Convenience Stores | One per 200 square feet of floor area. |
| 4. | Planned Shopping Center | One per 100 square feet of floor area for the first 15,000 square feet plus one per 150 square feet of floor area in excess of 15,000 square feet. |
| 5. | Furniture, Appliances, Hardware and Household Equipment Sales | One per each 300 square feet of floor area. |
| 6. | Motels and Hotels, Lodging Houses and Boarding Houses | 1.5 per each guest bedroom, plus amount required for accessory uses such as a restaurant or cocktail lounge. |
| 7. | Fast Food Restaurants | One per each 75 square feet of floor area. |

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| 8. | Sit-Down Restaurants | One per each two seats, based on maximum seating capacity. |
| 9. | Taverns and Cocktail Lounges (other than fast food restaurants) | One per each two persons allowed within maximum occupancy load as established by fire and/or building codes. |
| 10. | Garden Stores, Building Material Sales, and Open Air Businesses | One per each 400 square feet of building floor area devoted to sales and display, plus one per each 1,500 square feet of warehouse floor area, plus one per each 1,000 square feet of lot area used for open air display and sales. |
| 11. | Movie Theaters | One per each three seats based on the maximum seating capacity. |
| 4. | <u>Automotive Uses:</u> | |
| 1. | Auto Sales | One per each 200 square feet of showroom floor, plus three per each service stall. |
| 2. | Automobile Repair, Facilities including Collision and Bump Shops | Three per each service stall, one per each service vehicle. |
| 3. | Automobile Service Stations without Convenience Store | One per pump unit, plus three per each service stall. |
| 4. | Automobile Service Station with Convenience Store | One per pump unit, plus three per service stall, plus one per each 100 square feet of floor area devoted to retail sales and customer service. |
| 5. | Automobile Washes (self-serve) | See Section 5.3.4 |
| 6. | Automobile Washes (automatic) | One per 200 square feet of floor area of customer waiting and service area, plus one for each vacuum station. |
| 5. | <u>Office and Service Uses:</u> | |
| 1. | Medical and Dental Office | One per each 150 square feet of floor area. |

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|----|---|--|
| 2. | Business and professional Offices | One per each 200 square feet of floor area. |
| 3. | Banks | One per each 200 square feet of floor area. |
| 4. | Barber and Beauty Shops | Three per each chair. |
| 5. | Funeral Homes | One per each three persons allowed with maximum occupancy load as established by fire and/or building codes. |
| 6. | <u>Recreational Uses:</u> | |
| 1. | Bowling Alleys | Four per bowling lane, plus amount required for accessory uses such as a restaurant or cocktail lounge. |
| 2. | Private Tennis, Swim or Golf Clubs, or Other Similar Uses | One per each three persons allowed with maximum occupancy load as established by fire and/or building codes. |
| 3. | Golf Course | Five per each hole, plus amount required for accessory uses such as a restaurant or cocktail lounge. |
| 4. | Equestrian Training Facilities | One per each two stalls plus one per each employee. |
| 5. | Assembly Halls other than Schools | One space per each four seats. |
| 7. | <u>Industrial Uses:</u> | |
| 1. | Industrial, Manufacturing or Research Establishments | One per 200 square feet of office floor area, plus one per each 500 square feet of floor area. |
| 2. | Warehouses and Wholesale Establishments | One per each 200 square feet of floor area, plus one per each 1,500 square feet of floor area. |
| 3. | Contractors= Office | One per 200 square feet of office floor area, plus one per 1,500 square feet of warehouse floor area, plus one per |

each vehicle or item of equipment stored outside of the building.

7. Off-Street Parking Design and Construction

1. All parking lots, maneuvering lanes, driveways, or loading areas required for uses other than single or two family residences shall be hard surfaced with asphalt or concrete and shall be completed prior to a certificate of occupancy being issued. The Planning Commission shall have the discretion of waiving certain hard surface paving requirements provided the following conditions are met:
 1. The proposed driveways, loading, turn around, or storage areas will receive only limited use and are not used for employee parking, customer parking, or primary access.
 2. Gravel surfacing and potential problems arising from dust or scattered gravel shall not impact neighboring properties.
 3. Hard surfacing will significantly increase storm water run off and create a potential for flooding and/or soil erosion.
2. Ingress and egress to the parking lot shall be provided by limited and clearly defined drives. All internal access drives and/or maneuvering lanes which provide the principal means of access for emergency vehicles to the site and/or buildings shall be a minimum of twenty-two (22) feet in width.
3. Wheel stops or curbing shall be provided to prevent any vehicle from encroaching upon pedestrian walkways or damaging required landscaping.
4. Access to parking spaces shall be designed so as not to obstruct free flow of traffic. There shall be adequate provision for ingress to and egress from all parking spaces to ensure ease of ability, ample clearance, and safety of vehicles and pedestrians.
5. Plans for layout of automobile off street parking facilities shall be in accordance with the following minimum regulations.

| Parking Pattern | Maneuvering Lane Width | | | Parking Space Dimensions Regular Car Length |
|-----------------|------------------------|---------|--------|--|
| | One-Way | Two-Way | Width | |
| 0° Parallel | 12 feet | 20 feet | 9 feet | 24 feet |
| 30°-53° | 12 feet | 20 feet | 9 feet | 18 feet |
| 54°-74° | 15 feet | 22 feet | 9 feet | 18 feet |
| 75°-90° | 20 feet | 22 feet | 9 feet | 18 feet |

6. Truck and Recreational Vehicle Parking. In addition to parking required for passenger vehicles set forth in Section 5.3.1(b)(6), off-street parking for buses, trucks, and recreational vehicles at restaurants, service stations, and similar establishments, shall be of sufficient size to adequately serve such vehicles and not interfere with other vehicles that use the same facilities. Such space shall not be less than ten (10) feet in width and fifty-five (55) feet in length. Upon review of the site plan, the Planning Commission shall determine if separate truck and recreational vehicle parking is required for the proposed use.
7. Barrier Free Parking. In addition to parking required for passenger vehicles set forth in Section 5.3.1(b)(6), off-street parking facilities shall be designed in accordance with applicable State and/or Federal standards.
8. There shall be provided sufficient pedestrian walkways to assure pedestrian safety from parking spaces to use structures.
9. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence, or compact planting strip exists as a parking barrier along the property line. In the case of abutting commercial properties, a single five (5) foot space is acceptable.
10. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust free surface resistant to erosion.
- k. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential or institutional premises or public roadways.
- l. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side which

adjoins or faces property adjoining a residential lot or institution, by a wall, fence or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.

- m. All off-street parking areas that make it necessary for vehicles to back out directly into a public road is prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two family dwellings.

8. Collective Parking:

Requirements for the provision of parking facilities with respect to two or more property uses of the same or different types may be satisfied if the permanent allocation of the requisite number of spaces designated is not less than the sum of individual requirements.

5.3.2 Off-Street Parking Loading and Unloading:

In connection with every building, structure or use hereafter erected, except single and two family dwelling units structures, which customarily receive or distribute material or merchandise by vehicle, there shall be provided on the same lot with such buildings, off-street loading and unloading space.

a. Off-Street Loading Requirements:

1. On the same premises as any use which involves the receipt or distribution of vehicles, material or merchandise, adequate space shall be provided and maintained for standing, loading and unloading of delivery vehicles in order to avoid interference with or congestion of adjacent streets, neighboring sites, or off-street parking facilities. The required number of loading spaces shall be determined by the Planning Commission at the time of site plan review.
2. Such loading and unloading space, unless completely and adequately provided for within a building, shall be an area ten (10) feet by fifty-five (55) feet, with fifteen (15) foot height clearance sufficient to accommodate vehicles using the loading space.
3. Loading and unloading space provided by truck wells located below surface grade shall be of sufficient width to accommodate truck maneuvering but shall be no less than ten (10) by fifty-five (55) feet. Exposed sides shall be protected by iron railings or guard rails. Drainage shall be provided to prevent the collection of storm water at the bottom of the truck well.

2. Required Greenbelt, Setbacks and Screening:

1. Off-street loading areas, including maneuvering lanes, shall not be located within the front greenbelt required in accordance with Section 4.6. Off-street parking shall be permitted within the required side or rear yard setbacks, provided a minimum of ten (10) feet setback is maintained between off-street loading and the abutting side and rear lot lines.
2. Off-street loading which abuts residentially zoned or used property shall be screened in accordance with Section 4.6.

3. Off-Street Loading Space Area:

Off-street loading space areas shall not be counted toward supplying off-street parking.

a. Off-Street Loading and Unloading Facilities:

All off-street loading and unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

5.3.3 Off-Street Loading Area Space Requirements:

1. In the case of mixed uses on one lot or parcel, the total requirements for off-street loading/unloading facilities shall be the sum of the various uses computed separately.
2. All retail sales facilities having over five thousand (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 twenty thousand (20,000) square feet of gross floor space or fraction thereof, one (1) additional loading/unloading space.
3. All industrial and wholesale commercial land uses shall provide one (1) loading space for each ten thousand (10,000) square feet of floor space, with a minimum of not less than two (2) loading spaces.

5.3.4 Off-Street Drive Through and Waiting Space:

1. Drive-Through Facilities:

In addition to meeting off-street parking requirements, all uses which provide drive-through facilities for serving customers within their automobile shall provide adequate off-street stacking space within a defined space stacking lane which meets the following requirements:

1. Each stacking lane shall be one way and a minimum of twelve (12) feet in width.
2. Clear identification and delineation between the drive-through facility and parking lot shall be provided. Drive-through facilities shall be designed in a manner which promotes pedestrian and vehicular safety.
3. Each drive-through facility shall have an escape lane to allow other vehicles to pass those waiting to be served.
4. The number of stacking spaces per service lane shall be provided for the uses listed below. Each stacking space shall be computed on the basis of twenty (20) feet in length. When a use is not specifically mentioned, the requirements for off-street stacking space for the similar use shall apply.

| Use | Stacking Space Per Service Lane |
|------------------------------------|--|
| Banks, Photo Service, Dry Cleaning | 4 |
| Fast-food Restaurants | 6 |
| Auto Washes (Self-Service) | |
| Entry | 3 |
| Exit | 1 |
| Auto Washes (Automatic) | |
| Entry | 12 |
| Exit | 2 |

2. Off-Street Waiting Space:

Uses such as day care, schools, hospitals, nursing homes and churches shall provide a safe and efficient means for passengers to be dropped off and picked up. Such off-street waiting spaces shall be clearly marked so as to ensure the safety of pedestrians and motorists.

5.3.5 Site Access Control:

1. Compliance:

All sites shall comply with the minimum street frontage and access requirements and Section 4.6, Schedule of Regulations.

2. General Provisions:

All principal permitted and conditional uses that are subject to site plan review shall meet requirements contained in this Section. Access to public roads shall be controlled in the interest of public safety. Each building or

group of buildings used for non-residential purposes, and its parking or service area, shall be physically separated from public roads by a curb, or other suitable barrier against unchanneled motor vehicle access, except as authorized herein.

3. Driveway Performance Standards:

Driveways shall conform to standards adopted by the Jackson County Road Commission, and the following additional standards:

1. Driveway design and placement must be compatible with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during a normal weekday peak traffic period.
2. There must be sufficient on-site stacking to accommodate vehicles waiting to park or exit without using any portion of the public right-of-way, obstructing existing vehicle sit distance, or otherwise interfering with street traffic.
3. Provisions for circulation between adjacent parcels are encouraged through coordinated or joint parking systems.
4. Driveways shall be designed to accommodate all vehicle types having occasion to enter and exit the site, including delivery vehicles. There shall be clear delineation of entry and exit lanes within driveways.
5. Driveway design and location shall ensure that loading and unloading activities will not hinder vehicle ingress or egress.
6. Driveway design and location shall meet the sight distance requirements of the Jackson County Road Commission.

4. Driveway Spacing:

Driveway spacing will be determined according to the standards adopted by the Jackson County Road Commission.

5. Traffic Impact Analysis:

The Township may require a traffic impact analysis in order to analyze the effect of development upon existing street traffic. The traffic impact analysis shall examine existing and proposed traffic flows, trip generation studies, impacts on major intersections, turning movement analysis, roadway capacity, parking generation and site ingress/egress. The traffic impact analysis shall be prepared by a registered professional engineer.

SECTION 5.4 - (Reserved)

SECTION 5.5 - CONDITIONAL USES

The formulation and enactment of this Ordinance is based upon the division of the Charter Township of Blackman into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but because 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 Charter Township of Blackman. 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 a permitted use.

5.5.1 Authority to Grant Permits:

The Planning Commission is hereinafter provided, shall have the authority to recommend to the Charter Township Board of Blackman to grant conditional use permits, subject to such conditions of design operation, and safeguards as the Charter Township of Blackman Board may determine for all conditional uses specified in the various district provisions of this Ordinance.

5.5.2 Application and Fee: (Adopted 11/19/79)

Application for any conditional use permit permissible under the provisions of this Ordinance shall be made to the Planning Commission through the Charter Township of Blackman Clerk by filling in an official conditional use permit application form, submitting a site plan in accordance with Section 5.6, submitting required data, exhibits, and information and depositing the required fee as established by resolution by the Charter Township of Blackman Board. No part of such fee shall be returnable to the applicant.

5.5.3 Data, Exhibits, and Information Required in Application: (Adopted 11/19/79)

An application for a conditional use permit shall contain the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved; an accurate survey drawing of said property showing the existing and proposed location of all structures thereon, the types thereof, and their uses; and a statement of supporting data, site plan, exhibits, information, and evidence regarding the required findings set forth in this Ordinance.

5.5.4 Public Hearings: (Adopted 06/04/07)

After a preliminary review of the site plan and application for a conditional use permit, the Planning Commission shall hold a public hearing. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the Charter Township of Blackman within fifteen (15) days preceding the date of said

hearing. Notice of public hearing shall be sent at least fifteen (15) days prior to the 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 occupants of all single and two-family dwellings within three hundred (300) feet. The property in question shall also be conspicuously posted at least fifteen (15) days prior to the hearing.

5.5.5 Required Standards and Findings for Making Determination: (Adopted 11/19/79)

The Planning Commission shall review site plan and the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence to determine if such a use on the proposed site, lot, or parcel meets the following requirements:

- 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 existing or intended character of the general vicinity.
- c. Will be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- 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 and services.

5.5.6 Determination and Imposition of Conditions: (Adopted 11/19/79)

If the facts presented in the case do not reasonably establish that the findings and standards set forth in this Ordinance will apply to the proposed use, the Planning Commission shall not recommend to the Charter Township of Blackman Board that said Charter Township of Blackman Board should grant a conditional use permit. In recommending that a conditional use permit be granted, the Planning Commission shall recommend such conditions of use as it deems necessary and reasonable, and the reasons therefore to protect the best interest of the Charter Township of Blackman and the surrounding property owners and occupants to achieve the objectives of this ordinance. These conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

5.5.7 Approval, Grant or Permit: (Adopted 11/19/79)

Upon holding a public hearing and the finding that the requirements of Subsections 5.5.2 through 5.5.6 of this ordinance have been satisfactorily met by the applicant, the Planning Commission shall, within thirty (30) days, recommend approval or disapproval to the Charter Township of Blackman Board. When the Board gives final approval, a conditional use permit shall be issued to the applicant.

The Charter Township of Blackman Board shall, within forty-five (45) days, grant or refuse such permit, and if granted, shall forward copies of this permit to the applicant, Clerk, Zoning Inspector and Planning Commission.

Approval and issuance of a conditional use permit by the Charter Township of Blackman Board shall signify prior approval of the application and site plan, therefore including any modification and any conditions imposed where necessary to comply with this ordinance. The site plan, as approved, and any statements of conditions and modifications shall become part of the conditional use permit and shall be enforceable as such.

The decision to approve or deny a request for a conditional use permit shall be retained as a part of the record of action on the request and shall incorporate a statement of conclusions which specify: the basis for the decision, any changes to the originally submitted application and site plan necessary to insure compliance with the ordinance, and any conditions imposed with approval. Once a conditional use permit is issued, all site development and use of land on the property affected shall be consistent with the approved-conditional special land use permit, unless a change conforming to Ordinance requirements receives the mutual agreement of the landowner and the Charter Township of Blackman Board upon recommendation of the Planning Commission and is documented as such. The developer/owner shall agree in writing to the conditions set forth in the public hearing as recommended to the Charter Township of Blackman Board by the Planning Commission, after the Board has received a written statement from the owner and/or his agent in writing, agreeing to the conditions established by the Planning Commission and the Charter Township of Blackman Board. Then the Zoning Inspector shall not issue a zoning compliance permit until he has received a copy of the conditional use permit approved by the Charter Township of Blackman Board and determined that the stipulated conditions have been met.

5.5.8 Voiding of Conditional Use Permit:

Any conditional use permit granted under this ordinance shall become null and void and fees forfeited unless construction and/or use is commenced within a period of not more than two hundred ten (210) days and completed within a period of not more than five hundred and seventy-five (575) days of the date of issuance. The period for initiating and completion of said conditional use shall be determined at the time that the conditional use permit is granted. No use provided for under the conditional use

granted shall be initiated until all the terms and conditions of the conditional use are met.

Adopted
12/21/98

The aforesaid limitations of two hundred ten (210) days and five hundred seventy-five (575) days shall be abated or tolled during any period in which the applicant has pending before a State Agency or Department an application for a permit and said permit has not been ruled upon by the State Agency or Department. To abate the running of these time periods it shall be the responsibility of the applicant to notify the Township of the pending application and to provide suitable proof to the Township that the applicant has made a timely application to the State Agency or Department and that the matter is currently being considered by the State Agency or Department. The filing of such an application more than ninety (90) days after the granting of a conditional use shall not be considered a timely application and shall not abate or toll the applicable time periods.

A violation of a requirement, condition, or safeguard shall be considered a violation of this ordinance and grounds for the Planning Commission to terminate and cancel such conditional use permit.

5.5.9 Performance Guarantee: (Adopted 11/19/79)

In authorizing a conditional use permit, the Charter Township of Blackman Board may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished by the developer to insure compliance with an approved site plan and the conditional use permit requirements. Such guarantee shall be deposited with the Charter Township of Blackman Clerk at the time of the issuance of the conditional use permit. In fixing the amount of such performance guarantee, the Charter Township of Blackman Board shall limit the amount to reasonable improvements required to meet the standards of this ordinance and to protect the natural resources or the health, safety and welfare of the residents of the charter township and future users or inhabitants of the proposed project or project area. These improvements may include, but are not limited to roadways, lighting, utilities, sewer, water, sidewalks, screening and drainage. The term "improvements" does not include the entire project which is the subject of conditional use permit approval not to improvements for which a performance guarantee has been deposited pursuant to Act No. 288 of 1967, as amended. The Charter Township of Blackman Board and the project developer shall establish an agreeable procedure for the rebate of any cash deposits required under this section, in reasonable proportion to the ratio of the work completed on the required improvements as work progresses. Said agreement shall be written as a element of the conditions surrounding the approval of the conditional use permit.

5.5.10 Additional Development Requirements for Certain Uses:

A conditional use permit shall not be issued for the uses specified in this subsection unless complying with the size development requirements as herein specified. The

Zoning Board may impose additional conditions and safeguards when deemed necessary by that body.

a. (this subsection reserved).

b. Junk Yards:

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

1. It is recognized by this Ordinance that the location of such materials in an open area included in this Ordinance's definition of "junk yard" will cause the reduction of a value of adjoining property. To the end that the character of the district shall be maintained and property values conserved, a solid, unpierced approved fence or wall at least seven (7) feet in height, and not less than the height of the materials on the lot on which a junk yard shall be operated, shall be erected and maintained in good repair on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors, and access ways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this Ordinance's definition of "junk yard" be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and the solid, unpierced fence or wall located on said lot.
2. All traffic ingress or egress shall be on major streets and there shall be not more than one (1) entrance way to the lot on which a junk yard shall be operated from each public road on which said lot abuts.
3. All roads, driveways, parking lots, and a loading and unloading areas within any yard of a junk yard shall be paved, oiled, watered, or chemically treated so as to limit adjoining lots and public roads and nuisance caused by wind-borne dust.

c. Drive-In Theaters:

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

1. Drive-in theaters shall be enclosed for their full periphery with a solid screen fence at least seven (7) feet in height. Fences shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.
2. All fenced-in areas shall be set back at least one hundred (100) feet from any front street of front property line.

3. All traffic ingress or egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the public thoroughfare. All points of entrance or exit of motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.

d. Planned-Unit Development:

The purpose of this section is to permit flexibility for residential, commercial, and industrial development where large tracts of land are planned with integrated and harmonious design, and where the overall design of such units is so outstanding as to warrant modification by the Planning Commission of the regulations. Any planned unit development to be eligible under this provision must comply with the following requirements:

1. The owner of the property shall submit to the Planning Commission a plan for the use development of the total tract of land as a planned-unit development in accordance with the provisions of SECTION 5.6, SITE PLAN REVIEW AND APPROVAL. In addition to the site plan data specified in Section 5.6, the application shall contain such other pertinent information as may be necessary to make a determination that the contemplated arrangement or use may make it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance.
2. The plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of structures, accessory uses thereto, and public facilities as may be necessary for the welfare of the planned-unit development and not inconsistent with the best interests of the entire Charter Township of Blackman.
3. The average density of structures of the tract shall not be greater than the density requirements in the district in which the planned-unit development is located.
4. The use of the land shall be in conformance with the permitted uses of the district in which the proposed plan is to be located.
5. The proposed development shall be served by adequate public facilities and service, such as; highways, streets, police and fire protection, drainage, structures, and refuse disposal. These facilities may be provided by a governmental or private organization.
6. The proposed unit shall be of such size, composition, and arrangement that its construction, marketing, and operation is feasible

as complete unit, without dependence on any subsequent unit or development.

7. The common open-space, common properties, individual properties, and all other elements of the planned-unit development shall be so planned that they will achieve a unified environmental scheme, with open spaces and all other elements in appropriate locations, suitably related to each other, the site, and surrounding land.
8. The applicant may be required to dedicate land for street and park purposes by appropriate covenants, to restricting areas perpetually for the duration of the Planned Development as open space for common use. The development as authorized shall be subject to all conditions so imposed, and shall be exempt from other provisions of this Ordinance only to the extent specified in the authorization.

e. Mobile Home Parks:

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

- (Adopted 7/8/80)
1. All mobile home parks shall comply with the Mobile Home Park Act of 1959, being Act 243, Public Acts of Michigan, 1959 as amended.
 2. Every mobile home park shall be served by a central water supply system and a central sanitary sewerage system.
 3. The land area of a mobile home park shall not be less than ten (10) acres.
 4. Mobile home sites shall be at least five thousand (5,000) square feet in area.
 5. Each mobile home within such park shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities and plumbing and electrical connections designed for attachments to appropriate external systems.
 6. Each mobile home site shall have side yards with each such yard having a width of not less than ten (10) feet and the aggregate width of both side yards not less than twenty-five (25) feet.
 7. Each mobile home site shall have front and rear yards with each such yard not less than twelve (12) feet in depth and the aggregate depth of both said yards not less than twenty-five (25) feet.

8. For the purpose of this section, yard width shall be determined by measurement from the mobile home face (side) to its mobile home site boundary which every point shall not be less than the minimum width herein provided. Open patios, carports, and individual storage facilities shall be disregarded in determining yard widths, provided that a minimum of three (3) feet access is left from lot line for maintenance and for fire protection. The front yard is that yard which runs from the hitch end of the mobile home to the nearest site line. The rear yard is at the opposite end of the mobile home and side yards are at right angles to the ends.
9. The following minimum distances shall be maintained:
 - a. 30 feet to the boundary of such park which is not a public street.
 - b. 50 feet to the right-of-way of any public street or highway.
 - c. 30 feet to any collector street of such park (parking bay or central parking drive not a collector street).
 - d. 15 feet to any parking area designed for general parking in such park (general parking defines parking bays for other than park residents).
 - e. 50 feet to any service building in such park.
10. A mobile home shall not be permitted to occupy single or multiple sites if either its length or width would cause it to occupy any minimum yard area or minimum distance prescribed herein.
11. Concrete Piers - To be a minimum of ten (10), placed in pairs and equally spaced along the length-wise frame members of the mobile home. Piers are to be twelve (12) inches in diameter, 3500 p.s.i. concrete and a depth not less than six (6) inches greater than the measured front line for the area. The pier base must rest on undisturbed soil, however, in situations where solid fill material is used, to a depth of forty-eight (48) inches or more, the pier may be constructed with a cone foot of twenty-four (24) inches in diameter to give adequate support to the home. Each pier will have a 2 inch diameter steel rod imbedded eight (8) inches minimum, with a six (6) inch right angle bend at the lower end. This rod will be used to secure the mobile home against turnover from high winds.

Concrete Cross Beams - To be a minimum of five (5) equal spaced, reinforced 3500 p.s.i. concrete, eight (8) inches wide, thirty-six (36) inches deep and a width of at least four (4) feet wider than the frame

width of the mobile home to be placed on the site. Where outer perimeter frames are used on the mobile home, the beam will be the width of the mobile home. The cross beam will have a 2 inch diameter steel rod, with turned end, imbedded eight (8) inches minimum with six (6) inch hook at the lower end at each end of the beam to secure the home against turnover in high winds. The cross beam method is recommended for extremely unstable soil conditions.

(Adopted 7/8/80)

12. Each mobile home shall be supported on uniform jacks or blocks and anchored with tie down assemblies supplied by the mobile home park management. Tie down assemblies shall be suitable to resist 3150 lbs. working stress.
- 12a. Skirting - All manufactured homes shall have complete perimeter skirting of material compatible with manufactured home siding and shall be suitably affixed to resist the elements and normal wear.
13. An all-weather, hard-surfaced outdoor patio area of not less than one hundred twenty (120) square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home and appropriately related to open areas of the lot and other facilities.
14. Each mobile home park may include similarly designed enclosed storage structure or structures suitable for storage of goods and the usual effects of the inhabitants of such park, such storage space should not be less than one hundred twenty (120) cubic feet for each mobile home. Such storage structure or structures may be located in mobile home site or in common structure with individual lockers.
15. No trash, vegetation or other readily combustible material, or anything which constitutes food for, or harbors rodents or vermin shall be allowed to accumulate or remain on the mobile home site outside the structure.
16. All mobile homes within such parks shall be suitably connected to sewer and water services provided at each mobile home site, and shall meet the requirements and be approved by the Jackson County Health Department.
 - a. All sanitary sewage facilities, including plumbing connections to each mobile home site, shall be constructed so that all facilities and lines are protected from freezing, from bumping or from creating any type of nuisance or health hazard. Sewer connections shall not exceed ten (10) feet in length above ground, and shall be included in the stand underneath the trailer.

- b. The sewage collection inlet shall have a nominal inside diameter of not less than four (4) inches.
- c. The lateral line from the inlet to the sewage collection line shall slope at least 1/4 inch per foot. All joints shall be water tight.
- d. All material used for sewer connections between a mobile home and the inlet shall be corrosive resistant, non-absorbent and durable. The inner surface shall be smooth.
- e. Provisions shall be made for plugging the sewage collection inlet when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the inlet. The rim of the inlet shall extend not more than four (4) inches above grade and shall be centrally located.
- f. Storm drainage facilities shall be so constructed as to protect those that will reside in the mobile home park, as well as the property owner adjacent to the park.

17. Water Supply:

- a. Water riser pipes shall extend at least four (4) inches above ground elevation. The pipe shall be at least 3/4 inch. The water outlet shall be capped when a mobile home does not occupy the lot.
- b. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from the heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
- c. A shutoff valve shall be provided on the water riser pipe on each mobile home lot. Where frost conditions occur, the shutoff valve shall be located below the frost line.
- d. Underground stop and waste valves shall not be installed on any water service.
- e. Each mobile home shall be connected to the park water service outlet by a flexible connector, such as copper tubing, not less than 2 inch interior diameter.
- f. The water supply shall be capable of supplying a minimum of two hundred (200) gallons per day per mobile home lot.

18. Disposal of Garbage and Trash:

- a. Any method used shall be approved by the State and inspected periodically by the Jackson County Health Department.
- b. Trash and garbage shall be stored in a conveniently located enclosed container(s). The removal of trash and garbage shall take place not less than once a week.

19. All electrical, telephone and other lines from supply poles or other sources to each mobile home site shall be underground. The electrical system shall conform to the Charter Township of Blackman Electrical Ordinance and the National Electrical Code as amended. When separate meters are installed, they shall be located in a uniform manner.

(Adopted 7/8/80)

20. Any centrally located fuel oil storage shall be in underground tanks, at a distance away from any mobile home site as is found to be safe. All fuel lines leading to mobile home sites shall be underground and so designed as to conform with the Charter Township of Blackman Building Code and any State Code that is found to be applicable. When separate meters are installed, each shall be located in a uniform manner. Where individual fuel oil tanks are used they shall be supported on a non-combustible stand. The stand shall be securely anchored to a four (4) inch concrete pad, with the pad dimensions greater than the plan dimensions of the tank. The tank shall be freestanding with a minimum of six (6) inches from any structure and six (6) feet from any lot line. No portion of the tank shall project above the mobile home. Where liquefied petroleum gases are used, storage and piping shall conform to the latest national fire code(s).

21. A fence shall be provided and maintained by mobile park owner, six (6) feet in height to separate park from adjacent property. Such buffer as may be required shall be provided and maintained by park owner.

Adopted 7/8/80

22. A recreation space of at least five hundred (500) square feet per mobile home site in the park shall be developed and maintained by the management. This area shall not be less than one hundred (100) feet in its smallest dimension and its boundary no further than five hundred (500) feet from any mobile home site served. Streets, parking areas, and laundry rooms are not to be included as recreation space in computing the necessary area.

23. All driveways, motor vehicle parking spaces and walkways within such parks shall be hard surfaced and adequately drained and lighted for safety and ease of movement.

24. Minimum roadways and curb width within park shall be as follows:

| <u>Motor Vehicle Parking</u> | <u>Traffic Use</u> | <u>Minimum Pavement Width</u> |
|---------------------------------|--------------------|-------------------------------|
| Parking prohibited | 2-way road | 22 feet |
| Parallel parking 1 side only | 1-way road | 21 feet |
| Parallel parking 2 sides | 1-way road | 31 feet |
| Parallel parking 2 sides | 2-way road | 42 feet |

25. Walkways shall be provided to accommodate the anticipated flow of pedestrian traffic, and shall be in addition to the above mentioned roadway width requirements. Walkways shall not be included within the front yard depth requirements.

(Adopted 7/8/80)

26. Two (2) resident automobile parking spaces shall be provided within one hundred fifty (150) feet of each mobile home site. A minimum of one (1) parking space for every two (2) mobile home sites shall be provided for visitor parking, located conveniently to the area served.

27. No travel trailer shall be occupied in a mobile home park.

f. Type III Sanitary Landfills

The deposit, storage and burial of solid waste and other materials shall be subject to the following conditions:

1. All sites or parcels intended to be used as a sanitary landfill shall be a minimum of fifteen (15) acres.
2. There shall be, on record, a suitable plan for the adequate reuse of the site that is compatible with planned surrounding land uses.
3. The site shall not be located within the flood plain and shall be an adequate distance from other surface water areas to ensure against contamination or a minimum of one hundred (100) feet.

4. All traffic ingress and egress shall have access to a frost free (Class A) road, and there shall be not more than one (1) entrance way to the lot on which a landfill shall be operated from each public road on which said lot abuts.
5. Hazardous waste; liquids or sewage shall not be disposed of in any Type III sanitary landfill.
6. The burning of trees, stumps, brush and other flammable material at a sanitary landfill shall be restricted and shall be conducted only in designated areas with the approval of the Public Safety Department.
7. On said site, no digging or burying shall take place closer than one hundred (100) feet to any lot line, the active work area for a sanitary landfill shall be no closer than three hundred (300) feet to residences existing at the time permit is issued.
8. Access to a sanitary landfill shall be limited to a time when a responsible individual is on duty.
9. Actual hours of operation will not exceed sunrise and sunset.
10. All other requirements and rules of Act 641 of 1978 and all provisions contained in the Jackson County Solid Waste Management Plan shall apply. In cases where conflict may arise, the more restrictive regulation shall apply.
11. If at any time, for reasons of noncompliance with regulations or provisions, the license to operate a Type III landfill is revoked, the operator shall remain responsible for the restoration of the site to a condition safe and compatible with its surrounding land uses.

The following provisions shall apply in addition and specifically to landfills located in all commercial and industrial districts:

1. It is recognized by this ordinance that the location of said development and materials in an area with potential for high density development will cause the reduction of the value of adjoining property and the parcel itself. To alleviate blowing debris, odor, noise, dust, visibility and to maintain the character of the districts, a solid unpierced fence or wall at least eight (8) feet in height shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in these districts.
2. All roads, driveways, parking lots, loading and unloading areas within any yard of a landfill shall be paved, oiled, watered or chemically treated.

g. Solid Waste Transfer Stations

The operation of licensed solid waste transfer facilities used for the collection, deposit and removal of solid waste shall be subject to the following:

1. All licensed solid waste transfer facilities shall be located on a minimum of one (1) acre.
2. All structures, pads, ramps shall be of concrete or other fireproof material that can be easily cleaned and maintained.
3. Water hoses for washing down equipment, along with connection to a septic and/or drainage field shall be provided.
4. A solid waste transfer facility shall be enclosed by a fence not less than eight (8) feet high for enhanced security and control, if within five hundred (500) feet of a residence, constructed prior to obtaining a permit the fence or wall shall be solid and unpierced.
5. There shall be not more than one (1) entrance way from a public road to said lot.
6. All roads, driveways, parking lots, loading and unloading areas on said lot shall be paved, watered or chemically treated so as to limit nuisance caused by windborne dust and debris.
7. Access to a solid waste transfer facility shall be limited to a time when a responsible individual is on duty.
8. Actual hours of operation will not exceed sunrise and sunset.
9. Burning of solid waste materials shall not be permitted on-site.
10. No materials or waste shall be stored, collected, or deposited in any container placed on location not specifically identified for such purpose.
11. All other requirements and rules of Act 641 of 1978 and provisions contained in the Jackson County Solid Waste Management Plan shall apply. In instances of conflict, the more restrictive shall apply.

h. Auto Care Malls (Adopted 6/3/91)

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

1. Noise generating activities shall be located and oriented on the lot or parcel to minimize potential negative impacts upon adjoining properties.
2. Automobiles which require storage overnight for bumping and painting services, or other services on the rare occasion such storage is necessary, shall be stored in a completely enclosed building, when such storage or services are performed adjacent to a residential district. Providing further, a buffer zone or fence may be required to obscure such storage or services from adjoining commercial uses when appropriate.
3. Bumping, painting, and refinishing activities shall be performed inside a building only, and shall be carried out in such a manner as to minimize the impact of noise, odor, and/or the release of noxious vapors or fumes on to adjoining properties.
4. Painting, bumping and refinishing services shall be limited in area to not more than twenty-five (25%) per cent of the portion of the lot used for automobile care services and storage. Such services and storage shall not exceed 6.25% of the total area of the lot or parcel of land.

SECTION 5.6 - SITE PLAN REVIEW AND APPROVAL

It is the purpose of this Article to require site plan approval for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and land uses, and on the character of future development. It is further the purpose of this Article to achieve, through site plan review, safe and convenient traffic movement, both within a site and in relation to access streets; harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites; and to conserve natural features and resources. It is further the intent of this Article to delegate certain aspects of site plan review authority to the Township Planning Commission, within the standards and requirements set forth in this Article.

5.6.1 Uses Requiring Site Plan:

The following buildings, structures, and uses require site plan approval:

- a. A multiple-family building.
- b. More than one multiple-family building on a lot or parcel of land, or on a combination of lots under one ownership.
- c. A mobile home park.
- d. Any building or structure in a commercial, office, and industrial district.

- e. Any addition to an existing building or structure in a commercial, office, and industrial district, except as provided in Section 5.6.9 of this Ordinance.
- f. More than one building or structure, except a sign, on a lot or parcel, or combination of lots under one ownership, in any commercial, office, and industrial district.
- g. A use permitted in any commercial and industrial district which does not involve a building, such as, but not limited to, outdoor sales, outdoor displays, and storage of wrecked vehicles.
- h. Any principal non-residential building or structure permitted in residential districts and any principal building or structure, except farm buildings permitted in recreation-conservation and agriculture district.
- I. Public utility buildings, and structures, but not including poles, towers, and telephone repeater buildings.
- j. All conditional uses.
- k. PR-1 and PC-1 developments.
- l. Any project undertaken under the authority of the Michigan Condominium Act, being Act No. 59, P.A. 1978, as amended.
- m. Commercial telecommunication facilities and associated structures providing further, that site revised plan review of such projects may not be waived by the Township Building Inspector or Zoning Administrator.
- n. The Zoning Administrator shall not issue a Zoning Compliance Permit for construction of, or an addition to, any of the above listed buildings or developments, until a final site plan has been reviewed by the Township Planning Commission.
- o. 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 in effect.

5.6.2 Procedures for Submission and Review of Application for Major Projects.

- a. Major projects. All developments greater than 50,000 square feet of structure, or larger than four (4) acres of size, and all PR=s and PC=s and projects are major projects which require site plan review by the Planning Commission pursuant to the requirements below. All other projects are subject to review and approval by the Planning Commission which are processed pursuant to the requirements in Section 5.6.3 etc., below.

- b. Submission Requirements. The applicant shall complete and submit the required number of copies of an application for Site Plan Approval, site plans, and other information where applicable. Compliance with the requirements of the Zoning Ordinance is mandatory. The applicant or his/her representative must be present at each scheduled review or the matter will be tabled for a maximum of two consecutive meetings due to lack of representation. The procedure for processing major project site plans includes three phases: sketch review via a pre-application conference, preliminary site plan review and final site plan approval.

- c. Pre-application Meeting. Prior to a hearing before the Planning Commission on a site plan, the applicant shall have a preliminary review meeting with the Township Assessor, Township Zoning Administrator, Township Building Inspector, Director of Public Safety, and such other inspectors and Township officials as are desired by the Township to attend such meeting to review the proposed plan and determine whether it meets all of the requirements of the Township Zoning Ordinance. The applicant may be represented at such meeting, and shall have with him/her, if not previously provided, all of the exhibits, plans and documentation necessary to establish that the proposal meets the requirements of the Township Zoning Ordinance for site plan approval. Pre-application meetings shall be conducted for sketch plans subject to the following criteria:
 - 1. The sketch plan shall be approximately to scale though it need not be to the precision of a finished engineering drawing; and it shall clearly show the following information:
 - a. Boundaries of the property.
 - b. The location of the various uses and their areas in acres.
 - c. The location and height of all buildings, structures, and parking facilities.
 - d. The interior roadway system and all existing rights-of-way and easements, whether public or private.
 - e. Delineation of the various areas and approximate percentage allocation by unit type.
 - f. The interior open space system.
 - g. The overall drainage system.
 - h. If grades exceed three (3%) percent or portions of the site have a moderate to high susceptibility to erosion, or a

moderate to high susceptibility to flooding and ponding, a topographic map showing contour intervals of not more than two (2) feet of elevation shall be provided along with an overlay outlining the above susceptible soil.

- I. Principal ties to the neighborhood and community with respect to transportation, natural gas, electricity, water supply and sewage disposal.
 - j. General description of the provision of other community facilities, such as schools, recreational facilities, fire protection services and cultural facilities, if any, and some indication or how these needs are proposed to be accommodated.
 - k. A location map showing uses and ownership of abutting lands.
 - l. Evidence that the proposal is compatible with the objectives of the official Land Use Plan.
 - m. General statement as to how common open space is to be owned and maintained.
 - n. If the development is to be staged, a general indication of how the staging is to proceed. Whether or not the development is to be staged, the Sketch Plan of this section shall show the intended total project.
- d. The pre-application reviewers shall review the Sketch Plan and its related documents, and shall render either a favorable or unfavorable recommendation to the applicant.
- 1. A favorable recommendation shall include a report to the applicant that he may proceed with initiation of the rezoning request. It shall be based on the following findings which shall be included as part of the recommendation.
 - a. The proposal conforms to the official Land Use Plan.
 - b. The proposal meets the intent, objectives, and general requirements of the Planned District as expressed in the Ordinance.
 - c. The proposal is conceptually sound in that it meets a community need and conforms to accepted design principals

in the proposed functional roadway system, land use configuration, open space system, and drainage system.

- d. There are adequate services and utilities available or proposed to be made available in the construction of the development.
- e. The proposal meets all the general requirements of the Planned district.
 - (I) An unfavorable recommendation shall state clearly the reasons therefore, and, if appropriate, indicate to the applicant what might be necessary in order to receive a favorable recommendation. Within ten (10) days after receiving an unfavorable recommendation, the applicant may, if he wishes, initiate a rezoning request, which would be accompanied by an unfavorable recommendation from the Township Planning Commission.
 - (ii) The Zoning Administrator shall certify when all of the necessary application material has been presented, and the Zoning Administrator shall submit a report to the applicant within thirty (30) days of such certification. If no report has been rendered after thirty (30) days the applicant may proceed as if a favor report was given.
- f. Application for a Planned District Rezoning. Upon receipt of a favorable report from the Zoning Administrator or upon application by the applicant within ten (10) days of an unfavorable recommendation, the Township Planning Commission rezoning procedures shall be initiated.
- e. Preliminary Site Plan Review. The second phase is called Preliminary Site Plan Approval. At this step, a preliminary site plan meeting the submittal requirements of this Ordinance is reviewed by the Planning Commission. The purpose of such preliminary review is to confirm compliance with Township standards, policies and relationship to the Land Use Plan, as well as to suggest changes necessary, if any, for the final site plan approval.
- f. Final Site Plan Review. Final Site Plan approval shall be in accordance with Section 5.6.3 etc.

5.6.3 Final Site Plan.

- a. Application. Following approval of the preliminary site plan, if required under Section 5.6.2, d, hereof, the applicant shall submit a minimum of three

(3) 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, shall transmit the application and copies of the final site plan to the Zoning Administrator ten (10) working days prior to the Planning Commission's next regular meeting.

- b. Information Required for Review. Every final site plan submitted for review under this Article shall contain information as required Section 5.6.5.
- c. Planning Commission Action. All final site plans shall be considered within sixty (60) days of placement on the first available Planning Commission agenda.
 - 1. Approval. Upon finding that the application and site plan meet the criteria of Site Plan Review in Section 5.6.4, the Planning Commission shall recommend approval.
 - 2. Approval with Minor Revisions. Upon finding the application and site plan meet the criteria of Site Plan Review in Section 5.6.4, except for minor revisions, the Planning Commission may recommend approval conditioned upon said revisions being made by the applicant and reviewed by appropriate Township staff and/or consultants.
 - 3. Tabling. Upon finding that the application and site plan do not, but could, meet the criteria of Site Plan Review in Section 5.6.4, upon making the revisions, the Planning Commission may table its recommendation for a specified period of time not to exceed ninety (90) days, until the revised plan is resubmitted to the Planning Commission.
 - 4. Denial. Upon finding that the application and site plan do not meet one or more of the criteria of Site Plan Review in Section 5.6.4, and that revisions necessary to meet said criteria are so extensive as to require the preparation of a new site plan, the Planning Commission shall recommend denial.

5.6.4 Criteria of Site Plan Review.

The site plan shall be reviewed and approved upon a finding that the following criteria are met:

- a. The proposed use will not be injurious to the general health, safety and welfare of the Township and surrounding neighborhood.
- b. The location of buildings, outside storage receptacles, parking areas, screen walls and utility areas is such that the adverse effects of such uses will be minimized for the occupants of that use and surrounding areas.

- c. The design of storm sewers, storm water facilities, roads, parking lots, driveways, water mains, sanitary sewers, and other site improvements meets the design and construction standards of the Township and other appropriate agencies.
- d. Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means to all sides. Site features such as, but not limited to, trees and other plant materials, fences, retaining walls, berms, outdoor furniture, outdoor structures, and natural and artificial water bodies shall be arranged to permit adequate emergency vehicle access.
- e. Site planning and design of specified improvements will accomplish, to the extent reasonably feasible, the preservation and protection of existing natural resources and features such as lakes, ponds, streams, wetlands, flood plains, steep slopes, ground water, trees and wooded areas.
- g. Sites which include storage of hazardous materials waste, fuels, salt or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the air or to the ground, ground water or nearby water bodies, with a specific plan to achieve such objectives being incorporated as part of the site plan.
- h. The location of buildings, parking, drives, landscaping, and other improvements on the site is appropriate and consistent with good design standards for the lot size, shape and general location.
- I. Landscaping, including grass, trees, shrubs, and other vegetation is provided to maintain and improve the aesthetic quality of the site and area.
- j. The means of ingress and egress to and from the site shall be planned with the objective of achieving recognized planning, engineering and safety standards, and shall not result in an unreasonable risk of danger to persons and/or property on the site and/or off the site. In general, this standard shall be met based upon the design of ingress and egress in terms of the number, location, and design of access(es), and utilization of acceleration, deceleration and passing lanes and approaches. The Planning Commission shall review the ingress and egress proposed for the purpose of promoting and protecting traffic safety, and shall require improvements accordingly.
- k. The site plan complies with all Township Ordinances.

5.6.5 Information Required on Site Plan.

A site plan submitted for review and approval shall contain all of the following data prior to its submission to the Planning Commission for review and recommendation as provided in Article V. Site plans shall consist of an overall plan for the entire development. Sheet size shall be at least 24" x 36" with plan view drawn to a scale of not less than 1" = 50' for property less than three acres or 1" = 200' for property three or more acres. Included on the site plan shall be all dimensions and the following.

a. General Information

1. Proprietors=, applicants=, and owners= names, addresses and telephone numbers. Letter of authority from owner if applicant is not owner.
2. Date (month, day, year), including revisions.
3. A stake survey of the property by a registered surveyor if required by the Zoning Administrator.
4. A detailed drawing of the site together with adjacent structures if required by the Zoning Administrator.
5. A detailed drawing setting forth the size, location, and type of construction of any signs to be placed on the parcel if required by the Zoning Administrator.
6. Location map drawn at a scale of 1" = 2000' with north point indicated if required by the Zoning Administrator.
7. Architect, engineer, surveyor, landscape architect, or planner=s seal.
8. Existing lot lines, building lines, structures, parking areas, etc., on the parcel, and within 100' of the site.
9. Proposed lot lines, property lines, and all structures, parking areas, etc., and within 100' of the site.
10. Centerline and existing proposed right-of-way lines of any street.
11. Zoning classification of petitioner=s parcel and all abutting parcels.
12. Gross acreage figure and percentage of parcel coverage.

13. Proximity to major thoroughfares and section corners.
- b. Physical Features
1. Acceleration, deceleration ,and passing lanes and approaches.
 2. Proposed location of access drives, street intersections, driveway locations, sidewalks, bike paths, curbing, and areas for public use.
 3. Location of existing and proposed service facilities above and below ground, including:
 - a. Well sites.
 - b. Septic systems and other waste water treatment systems. The location of the septic tank and the drain field (soil absorption system) should be clearly distinguished.
 - c. Chemical and fuel storage tanks and containers.
 - d. Storage, loading, and disposal areas for chemicals, hazardous substances, salt and fuels.
 - e. Water mains, hydrants, pump houses, stand pipes, and building services and sizes.
 - f. Sanitary sewers and pumping stations.
 - g. Storm water control facilities and structures including storm sewers, swales, retention, and detention basins, drainage ways and other facilities, including calculation for sizes.
 - h. Location of all easements.
 4. All structures with dimensioned floor plans, setback and yard dimensions and typical elevation views.
 5. Dimensional parking spaces and calculation, drives, and method of surfacing.
 6. Exterior lighting locations and illumination patterns.
 7. Location and description of all existing and proposed landscaping berms, fencing, and walls.
 8. Trash receptacle pad location and method of screening.

9. Transformer pad location and method of screening.
10. Dedicated road or service drive locations.
11. Entrance details including sign locations and size.
12. Designation of fire lanes.
13. A report from the Jackson County Road Commission as to the traffic capacity of the public road adjacent to the site together with a statement from the Road Commission indicating current traffic volume on said road.
14. Any other pertinent physical features.
15. Road right-of-ways shall meet Jackson County Road Commission standards, and construction shall equal Road Commission specifications for base and material.

c. Natural Features

1. On parcels of more than one acre, existing topography with a maximum contour interval of two feet. Topography on the site and beyond the site for a distance of one hundred (100) feet in all directions should be indicated. Grading plan, showing finished contours at a maximum interval of two (2) feet, correlated with existing contours so as to clearly indicate required cutting, filling, and grading.
2. Location of existing drainage courses and associated bodies of water, on and off site, and their elevations.
3. Location of existing wetlands.
4. Location of natural resource features, including woodlands and areas with slopes greater than ten (10) percent (one foot of vertical elevation for every 10 feet of horizontal distance).
5. A wetlands permit from the Michigan Department of Natural Resources if one is required by the State.
6. A storm water management system and facility approved by the Jackson County Drain Commissioner that will not substantially reduce or increase the natural retention or storage capacity of any

water body, or cause alterations that could increase flooding or water pollution on or off the site.

7. The owner shall present the plan and be accompanied by an engineer, architect, or contractor to fully explain the plan unless the requirement for one of the professionals is waived by the Zoning Administrator.

d. Additional Requirements for Multiple Family

1. Density calculations by type of unit by bedroom counts.
2. Designation of units by type and number of units in each building.
3. Carport locations and details where proposed.
4. Specific amount and location of recreation spaces.
5. Type of recreation facilities to be provided in recreation space.
6. Details of community building and fencing of swimming pool if proposed.

e. Additional Requirements for Commercial and Industrial Developments

1. Presentation of the Site Plan must be an owner with an architect, engineer or contractor present unless waived by Zoning Administrator.
2. Loading and unloading areas.
3. Total and usable floor area.
4. Number of employees in peak usage.

5.6.6 Administrative Review.

In the following cases, the Township may designate an administrative official to approve a site plan without submission to the Planning Commission, but subject to all of the above criteria, requirements and standards.

- a. Accessory uses incidental to a conforming existing use where said use does not require any variance or further site modifications.

- b. Provision for additional loading and unloading spaces and landscape improvements as required by Ordinance.

5.6.7 Utilities.

Utility plans for a particular site which involve Township provided sewer or water shall be submitted to the Township Engineer for review and approval. Proposed utilities shall conform with Township approved standards.

5.6.8 Amendment of Approved Site Plan:

- a. A site plan may be amended upon application and in accordance with provisions and the procedures provided in Section 5.6.3, herein for a final site plan. Site plans amended in order to be brought into compliance with the requirements of governmental agencies of authority, other than Blackman Township, are subject to the provisions of this Ordinance. The Township Zoning Administrator shall have the authority to determine if a proposed change is substantive and therefore requires an amendment to the approved site plan.
- b. Minor changes of an approved final site plan may be incorporated without amendment to the approved preliminary site plan at the discretion of the Planning Commission.
- c. No deed recorded pursuant to an approved site plan may be changed, altered or amended, nor shall any document recorded pursuant to an approved site plan deviate from the site plan submitted to the Planning Commission by the alteration or changing of the area, size, dimension or lot lines of any lot or unit. All such changes must be resubmitted to the Planning Commission upon application and in accordance with the provisions and procedures provided in Section 5.6.3 for site plan review.

5.6.9 Exempt Buildings, Structures, and Uses.

Except as provided herein, Section 5.6 shall not apply to the replacement, repair of, the adding of an addition which does not exceed five thousand (5,000) square feet or fifty (50) percent of original structure, whichever is less, or the alteration of buildings, structures or parking lots on commercial, industrial or office structures and uses where the proposed improvement meets all of the requirements of this Zoning Ordinance, the Blackman Township Building Code, the Blackman Township Electrical Code, and the Blackman Township Plumbing Code, and where the existing use is not materially changed in nature or character. In such case, the Zoning Administrator may authorize a Zoning Compliance Permit for the construction of the improvement without a site plan review. In the event that the proposed improvement requires additional property, a conditional use, a variance, or substantially and materially changes the existing use, then the Zoning Administrator shall refer the proposed improvement to the Planning Commission for a site plan review subject to all of the criteria set forth in Section 5.6. The Zoning Administrator in his discretion shall decide whether a site plan review is necessary to carry out the spirit and intent of this Zoning Ordinance. Providing, however, that such plan must be approved as if it were submitted for a building permit.

5.6.10 Modification 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/she shall do so at his/her own risk, without any assurance that the Township Planning Commission will approve the changes. It shall be the responsibility of the applicant to notify the Zoning Administrator and the Planning Commission of any such changes. The Zoning Administrator or the Planning Commission may require the applicant to correct the changes so as to conform to the approved final site plan.

5.6.11 Phasing of Development.

An applicant may divide a proposed development into two or more phases with the approval of the Planning Commission and the Township Board. Such phasing shall be in conformance with Section 5.6.3 (f). Future development beyond approved phases shall not appear on the approved final site plan. A phase development shall not be developed in phases exceeding a total of three (3) years for all of the phases.

5.6.12 Inspection.

A sub-grade improvement such as utilities, sub-base and base installations for drives and parking lots, and similar improvements shall be inspected by the Township 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 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 Building Inspector and the Planning Commission, in writing, when a development for which a final site plan was approved has passed inspection with respect to the approved final site plan. The Zoning Administrator shall notify the Building Inspector, and the Planning

Commission, in writing, of any development for which a final site plan was approved which does not pass inspection with respect to the approved final site plan, and shall advise the Planning Commission of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Planning Commission of progression towards compliance with the approved final site plan, and when compliance is achieved. An Occupancy Permit may be issued by the Zoning Administrator prior to completion of the site improvement SUBJECT TO such conditions and bond as may be imposed by the Township Board.

5.6.13 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.

5.6.14 Violations.

The approved final site plan shall become part of the record of approval and subsequent action relating to the site in question shall be consistent with the approved final site plan unless the Planning Commission approves changes as provided in the Article. Any violation of this Article, including any improvement not in conformance with an approved Final Site Plan, shall be deemed a violation of this Ordinance as provided in Article VI, and shall be subjected to the penalties therein.

5.6.15 Supplemental Regulations

The site plan certificate shall expire, and be of no effect, three hundred sixty-five (365) days after the date of issuance thereof, unless within such time the Zoning Administrator has issued a zoning compliance permit for any proposed work authorized under a said site plan certificate.

SECTION 5.7 - NONCONFORMITIES

Where within the districts established by the Ordinance, or by amendments, there exists lots, structures, and uses of land and structures which were lawful before this Ordinance was adopted or amended and which would be prohibited, regulated, or restricted under the terms of this Ordinance, or future amendment, it is the intent of this Ordinance to permit these nonconformities to continue until they are discontinued, damaged, or removed but not to encourage their survival. These nonconformities are declared by this Ordinance to be incompatible with the lots, structures, and uses permitted by this Ordinance in certain districts. It is further the intent of this Ordinance that such nonconformities shall not be enlarged, expanded or extended except as provided herein; not to be used as ground for adding other lots, structures, or uses prohibited elsewhere in the same district.

5.7.1 Nonconforming Use of Land:

Where, on the date of adoption of amendment of this Ordinance, a lawful use of land exists that is no longer permissible under the provisions of this Ordinance, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- a. No such nonconforming use of land shall be enlarged, expanded, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Ordinance; and no accessory use or structure shall be established therewith.
- b. No such nonconforming use of land shall be moved in whole or in part to any other portion of such land not occupied on the effective date or adoption or amendment of this Ordinance.
- c. If such nonconforming use of land ceases for any reason for a period of more than one hundred eighty (180) consecutive days, the subsequent use of such land shall conform to the district in which such land is located. Extensions may be granted by the Planning Commission if it has been demonstrated that extenuating conditions have occurred which have been beyond the control of the parties involved.

5.7.2 Nonconforming Structures:

Where, on the effective date of adoption or amendment of this Ordinance, a lawful structure exists that could not be built under the regulations of this Ordinance by reason of restrictions upon lot area, lot width, lot coverage, height, open spaces, or other characteristics of such structure or its location upon a lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- a. No such structure shall be enlarged, expanded, extended or altered in a way which increases its nonconformance.
- b. Should any structure be destroyed by any means to an extent of more than fifty (50%) per cent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. This subsection shall not apply to any structure used as a dwelling unit in a local commercial district (C-1), general commercial district (C-2), light industrial district (I-1), heavy industrial district (I-2), office district (O-1), or highway service commercial district (C-3), wherein such structures may be reconstructed for use as dwelling units.
- c. Should any such structure be moved for any reason, of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

Adopted
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5.7.3 Nonconforming Uses of Structures:

Where, on the date of adoption or amendment of this Ordinance, a lawful use of structure exists that is no longer permissible under the regulations of this Ordinance, such use may be continued so long as it remains otherwise lawful subject to the following:

- a. No conforming use of a structure shall be enlarged, expanded, extended, or altered except in changing the use of such structure to a use permitted in the district in which such structure is located.
- b. When a nonconforming use of a structure is discontinued or abandoned for more than one hundred eighty (180) consecutive days, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located. Extensions may be granted by the Planning Commission if it has been demonstrated that extenuating conditions have occurred which have been beyond the control of the parties involved.
- c. Any structure devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repairs or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not to exceed ten (10%) percent of the current replacement value of the structure, provided that the volume of such structure or the number of families housed therein as it existed on the date of adoption or amendment of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.
- d. Should any structure containing a nonconforming use be moved, for any reason of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
- e. Should any structure devoted in whole or in part to any nonconforming use be destroyed by any means to an extent of more than fifty (50%) per cent of its replacement cost at the time of destruction, it shall not be reconstructed and again be devoted to any use except in conformity with the regulations of the district in which it is located. This subsection shall not apply to any structure used as a dwelling unit in a local commercial district (C-1), general commercial district (C-2), light industrial district (I-1), heavy industrial district (I-2), office district (O-1), or highway service commercial district (C-3), wherein such structures may be reconstructed for use as dwelling units.
- f. Extension and Substitution. There shall be a specific exemption from Section 5.7.3e, to permit rebuilding or replacing, but not to include extending a nonconforming use when such use is occupied as a one or two family dwelling and has been destroyed by other than overt action of the owner. In this case, the owner of said dwelling shall make application to the Board of Appeals within twelve (12) months of date of destruction requesting an

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exemption under this section. If the Board of Appeals, after a hearing upon such application shall determine that for reasons of health, sanitation, safety or the well being of the occupants that the request is reasonable and proper, then the Board of Appeals may authorize the owner to rebuild or replace said dwelling. Prior to granting any such request under this section, the Board of Appeals specifically shall make the following findings of fact and apply the following standards:

1. That the structure was originally constructed as a dwelling.
2. That the structure currently or immediately preceding damage was occupied as a dwelling.
3. That the proposed rebuilding or replacement will materially and substantially benefit the use as a dwelling and/or make the use more in conformity with the provisions of this Zoning Ordinance and building code.
4. That the proposed rebuilding or replacement will not have an adverse effect upon the uses in the general vicinity by creating new or different violations of this Zoning Ordinance.

Procedures under this section shall follow the same procedure and be subject to the same application fee as set forth for applications to the Board of Appeals on an appeal.

5.7.4 Change of Tenancy or Ownership:

There may be a change of tenancy, ownership, or management of an existing nonconforming use, building, or structure; provided there is no change in the nature or character of such nonconforming use, building, or structure.

5.7.5 Substandard, Nonconforming Lots of Record:

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings or structures may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership as of the date of adoption of this Ordinance. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions 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. If two or more lots or combinations of lots with continuous frontage in single ownership are of record at all or part of the lots do not meet the requirements for lot width and areas as established

by this Ordinance, and no portion of said parcel or lot shall be used or sold which does not meet lot width and area requirements established by this Ordinance nor shall any division of the parcel or lot with width or area below the requirements stated in this Ordinance.

5.7.6 Record of Nonconforming Uses of Parcels and Lots, Nonconforming Buildings and Structures: Recording, Correcting, Filing, and Reporting:

Immediately following the effective date of this Ordinance the Charter Township of Blackman Board shall have made a record of all instances and uses of buildings, structures, and parcels, and lots which, on the effective date of this Ordinance are not in conformity with the regulations of the districts in which said properties are situated, such record to contain the name and address of the owner, the legal description of the property, and the nature and extent of the buildings, structures, and land uses. Such record shall be posted in a conspicuous location in the office of the Charter Township of Blackman Clerk for a period of thirty (30) days, excluding Saturdays, Sundays and legal holidays, and the announcements of the posting thereof duly published in a newspaper having general circulation in the Charter Township of Blackman. Errors or omissions shall be corrected in such record upon representation of proof to the Charter Township of Blackman Board at the first meeting of the Board following the close of the posting period. Such corrections may be made by the Charter Township of Blackman Board, by resolution upon the petition of any citizen or his authorized representative. Following said meeting of the Board, the corrected record shall immediately be signed by the Charter Township of Blackman Supervisor and attested by the Charter Township of Blackman Clerk and filed in the office of the Jackson County Register of Deeds. Such record shall constitute prima facie evidence of the extent and number of nonconforming uses, buildings, and structures existing at the time of the effective date of this Ordinance. Immediately after the corrected record of nonconformities is filed, the Charter Township of Blackman Clerk shall provide the Zoning Administrator and the Charter Township of Blackman Supervisor with a copy. The Zoning Administrator shall observe the recorded nonconformities and shall report quarterly in writing to the Charter Township of Blackman Board on the continuing nonconformities, and the establishment of new uses, buildings, and structures in violation of this Ordinance, or amendments thereto, in the Charter Township of Blackman. The Charter Township of Blackman Clerk shall record all said reports as soon as reported, including the date of each.

SECTION 5.8 - PERFORMANCE STANDARDS

5.8.1 Requirements:

Any use of a lot, building, or structure in any district shall be such that it is not obnoxious, dangerous, or injurious by reason of heat, glare, fumes, odors, dust, erosion, sound or vibrations at standards currently used by the Michigan Department of Public Health, beyond any boundary line of the lot or parcel of land on which the use is located.

5.8.2 Plans:

The application for a zoning compliance permit for a use subject to performance requirements shall be accompanied by a building plan and equipment layout with a description of the machinery, process, and projects; and specifications for the mechanisms and techniques to be used in meeting the performance standards.

5.8.3 Enforcement:

The Zoning Administrator may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the performance standards. The costs of such services shall be borne by the applicant, and a copy of any report shall be furnished to the applicant and the Charter Township of Blackman.

SECTION 5.9 - STORAGE OF MATERIALS (Adopted 12/5/94)

The location or storage of abandoned, discarded, unused, unusable, or inoperative appliances, furniture, equipment, or material shall be regulated as follows:

- a. On any lot in any residential district or commercial district, the owner or tenant, but not for hire or for business, shall locate and store such materials within a completely enclosed building. In any agricultural district the above restrictions only apply when within five hundred (500) feet of a property line or public roadway.
- b. On any lot in any industrial district, the owner or tenant, whether or not for hire or for business, shall locate and store such materials within a completely enclosed building or within an area surrounded by a solid, unpierced fence or wall at least seven (7) feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for buildings permitted in said districts.
- c. Nothing in this Ordinance shall permit the storage or parking of any vehicle or non-permanent structure within the required front yard of any lot within a residential district, except that the parking of a passenger vehicle on an improved driveway located on private property shall not be prohibited.
- d. On any lot in an Office, Commercial, or Industrial District, any display of vehicles or other merchandise shall be located no closer to the street right-of-way line than one-half the minimum authorized front or side yard depth.
- e. Notwithstanding anything to the contrary contained in this Zoning Ordinance, owners, tenants, and/or users of property located in residential or office zoning districts shall be prohibited from outdoor storage on said parcels of the following items:
 1. No semi-trailer shall be stored or parked for more than seventy-two (72) hours on any lot or parcel, nor shall any such unit have removed from its undercarriage the axles and the unit then used for storage, garage, office or

any other purpose in any such district, except in those used in connection with construction projects as determined by the Zoning Administrator.

2. Packing or storage crates, parts or all of a semi-trailer, and similar converted structures shall not be used as accessory structures in any zoning district, except agricultural. Railroad cars shall not be used as accessory structures in any zoning district.

SECTION 5.10 - MOBILE HOME SUBDIVISIONS

- a. All mobile homes to be erected as permanent residences in mobile home subdivisions shall meet the requirements of the Blackman Charter Township Building Code and shall be approved by the Building Inspector prior to erection on the lots.
- b. Concrete Piers - To be a minimum of ten (10) piers, placed in pairs and equally spaced along the lengthwise frame members of the mobile home. Piers are to be twelve (12) inches in diameter, 3500 p.s.i. concrete and a depth not less than six (6) inches greater than the measured frost line for the area. The pier base must rest on undisturbed soil, however, in situations where solid fill material is used, to a depth of forty-eight (48) inches or more, the pier may be constructed with a cone foot of twenty-four (24) inches in diameter to give adequate support to the home. Each pier will have a 2 inch diameter steel rod imbedded eight (8) inches minimum, with six (6) inch right angle bend at the lower end. This rod will be used to secure the mobile home against turnover from high winds.

Concrete Cross Beams - To be a minimum of five (5) inches equally spaced, reinforced 3500 p.s.i. concrete, eight (8) inches wide, thirty-six (36) inches deep and a width of at least four (4) feet wider than the frame width of the mobile home to be placed on the site. Where outer perimeter frames are used on the mobile home, the beam will be the width of the mobile home. The cross beam will have a 2 inch diameter steel rod, with turned end, imbedded eight (8) inches minimum with six (6) hook at the lower end of the beam to secure the home against turnover in high winds. The cross beam method is recommended for extremely unstable soil conditions.

- c. Lot areas where a mobile home is to be erected, altered, or used as a single-family dwelling shall contain not less than ten thousand (10,000) square feet of lot area if the lot is served by a central sanitary sewerage system. Where a lot is not so served, there shall be provided a minimum of fifteen thousand (15,000) square feet of lot area for each home.
- d. The minimum lot width for lots served with a central sanitary sewerage system shall be seventy-five (75) feet. Where a lot is not so served, the minimum lot width shall be ninety (90) feet.
- e. The maximum lot coverage shall not exceed thirty (30%) percent.

- f. Each lot in a mobile home subdivision shall have a front yard not less than thirty-five (35) feet.
- g. Each lot in a mobile home subdivision shall have two (2) side yards and the least width of either yard shall not be less than ten (10) feet, but the sum of the two (2) side yards shall not be less than twenty-five (25) feet.
- h. Each lot in a mobile home subdivision shall have a rear yard of not less than twenty (20) feet.
- I. No accessory building or structure, or part thereof, shall be erected to a height exceeding twelve (12) feet.
- j. All mobile homes to be erected and used in a mobile home subdivision shall contain in a gross floor area of not less than six hundred (600) square feet.
- k. No habitable site-constructed addition to a mobile home shall be greater than 50% of the floor area of the basic mobile home or 360 square feet, whichever is smaller, and shall not exceed the height of the basic mobile home. All additions shall comply with the Blackman Charter Township Building Code. This area limitation shall not apply to an attachment designed to be transported on its own wheels and occupied without a permanent foundation.
- l. Tie down assemblies shall be provided and be suitable to resist 3150 lbs. working load. (Adopted 7/2/80)
- m. Skirting - All manufactured homes shall have complete perimeter skirting of material compatible with manufacture home siding and shall be suitably affixed to resist the elements and normal wear.

SECTION 5.11 - MOBILE HOMES AND TRAVEL TRAILERS

- a. No mobile home shall be used other than as a single-family dwelling and in a duly licensed Mobile Home Park or in a Mobile Home Subdivision, except a mobile home may be used as a temporary field office and/or security office in any commercial or industrial district provided it is certified as such by Plan Building Inspector. (Adopted 10/3/88)
- b. Mobile trailer offices may be permitted in any non-residential district on a temporary basis with extensions as necessary as granted by the Board of Appeals.
- c. No travel trailer shall be used as a dwelling except for a period not to exceed two (2) weeks and in a duly Licensed travel trailer park, or as a temporary dwelling for a period not to exceed one week provided such travel trailer is situated on a parcel of land upon which is located a dwelling with water and sanitary facilities accessible to the travel trailer occupants and certified by the Zoning Inspector.

SECTION 5.12 - VISIBILITY AT INTERSECTIONS

On any corner lot in any zoning district requiring front and side yards, no fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be allowed to impede vision between a height of three (3) feet and eight (8) feet above the centerline grades within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two (2) street lines at points which are measured along the street right-of-way line.

SECTION 5.13 - ACCESS TO PUBLIC STREETS

- a. In any residential district, commercial district, and industrial district, every use, building, or structure established after the effective date of this Ordinance shall be on a lot or parcel which adjoins a public street.
- b. In any agricultural district every use, building, or structure established after the effective date of this Ordinance shall be on a lot or parcel which adjoins a public or private easement of access to a public street.
3. Any public or private easement serving two (2) or more structures shall have a minimum width of sixty-six (66) feet. (Adopted 03/16/98)
- d. In a residential district where a structure is prohibited solely because the lot of parcel of land the structure is constructed upon does not adjoin a public road, such structure and the use of it shall be considered to be a permitted use providing the structure was in existence prior to (*adoption date*), 2003 and such structure and use do not violate any other provisions of this ordinance as of the adoption date. (Adopted 12/16/02)

SECTION 5.14 - FLOOD PLAINS - Adopted 07/02/80

Subject to the Charter Township of Blackman Flood plain Ordinance as amended.

SECTION 5.15 - PRESERVATION OF LAKESHORES, RIVER, AND STREAM BANKS

No person shall alter, change, transform, or otherwise vary the edge, bank, or shore of any lake, river, or stream except in conformance with the following:

- a. As provided in the Inland Lakes and Streams Act, Act 291 of the Public Acts of 1965, and as amended.
- b. If any edge, bank, or shore of any lake, river, or stream is proposed to be altered in any way by any person shall submit to the Planning Commission a site Plan as required in Article V, Section 5.6 of this Ordinance. This does not relieve the applicant from complying with requirements of other regulatory agencies.

SECTION 5.16 - HOME OCCUPATIONS

A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. The following additional conditions shall be observed:

- a. Such home occupation shall be carried on within the dwelling or within an existing building accessory thereto and entirely by the inhabitants of the dwelling.

(Adopted 3/15/99)

- b. No article shall be sold or offered for sale on the premises except such as is produced within the dwelling or accessory building or is provided incidental to the service or profession conducted within the dwelling or accessory building.
- c. There shall be no exterior storage of materials or equipment.
- d. No nuisances shall be generated by heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases, or matter at anytime.

SECTION 5.17 - FENCES

Fences in all districts are subject to the following conditions:

- a. Fences which enclose property shall not exceed six (6) feet in height, measured from the surface of the ground, except as otherwise specifically noted. No fence with barbs or carrying electric current or charge shall be permitted in any residential district, nor shall any lot line fence be so constructed as to constitute a hazard to the public health and welfare.
- b. All Residential Districts, a decorative fence may be constructed within the front yard setback providing it shall not constitute a hazard to health, public safety and welfare.
(Adopted 11/19/79)
- c. All Office Districts, Commercial Districts, and Industrial Districts may erect front yard fences a minimum of fifteen (15) feet from front property line.
(Adopted 11/19/79)

SECTION 5.18 - TEMPORARY USES

Circuses, carnivals or other transient enterprises may be permitted in any district upon issuance of a permit by the Zoning Administrator. Such permit shall be based upon the finding that the location of such an activity will not adversely affect adjoining properties, nor adversely affect public health, safety, or general welfare, and may contain requirements to maintain these conditions, Such permit shall be valid for a period of not more than three days. Permit may be renewed at the Zoning Administrator=s option, at the same fee, but shall not be renewed for more than six consecutive periods in any one year. Minimum distance from any operation relevant to the conditional use other than parking in any residence shall be one-hundred (100) feet.

SECTION 5.19 - ESSENTIAL SERVICES

- a. Nothing in this Ordinance shall prohibit the provision of essential service, provided the installation of such service does not violate any other applicable provision of this Ordinance.

- b. Nothing in this section shall be construed to permit the erection, construction, or enlargement of any building or maintenance depot for provision of an essential service except as otherwise permitted in this Ordinance.
- c. Any structure erected above ground in any residential district shall be screened or fenced and shall be subject to provisions of Section 5.6 - Site Plan Review and Approval.

SECTION 5.20 - CURB CUTS AND DRIVEWAYS

Curb cuts and driveways may be located only upon approval by the Zoning Administrator and such other county and state authorities as required by law; provided however, such approval shall not be given where such curb cuts and driveways shall unnecessarily increase traffic hazards. Where curb does not exist, ingress and egress shall be delineated and no other area shall be used.

SECTION 5.21 - FLOOR AREA REQUIREMENTS

The floor area per apartment dwelling unit erected on any lot or parcel shall not be less than that established by the following table. In determining floor area, only areas used for living quarters shall be counted. Garages, carports, non-walled and non-roofed porches, and other non-inhabitable spaces as defined by the Blackman Charter Township Building Code are to be excluded.

| | |
|-------------|-------------------------------|
| 400 sq. ft. | - Efficiency apartment |
| 520 sq. ft. | - 1 bedroom dwelling unit |
| 610 sq. ft. | - 2 bedroom dwelling unit |
| 690 sq. ft. | - 3 bedroom dwelling unit |
| 70 sq. ft. | - for each additional bedroom |

The floor area for dwelling units other than apartments shall be as set forth in Article II.

SECTION 5.22 - APARTMENT DWELLING UNIT MIX

The number of efficiency apartments permitted in any apartment development shall be limited to no more than 10% of the total number of dwelling units contained within the apartment development.

SECTION 5.23 - ACCESSORY STRUCTURES

- 1. Any accessory structure in excess of 120 square feet or any such structure attached to a permanent foundation shall require a building permit. Any structure exceeding 120 square feet shall meet all applicable Township building, electrical and plumbing codes as the same may be applicable to said structure. A plumbing inspection shall not be necessary in the event that the structure does not have running water or

lavatory facilities. A structure shall not require an electrical permit in the event that the structure does not have any lighting fixtures or illumination.

2. Packing or storage crates, parts or all of a semi-trailer, and similar converted structures shall not be used as accessory structures in any zoning district, except agricultural. Railroad cars shall not be used as accessory structures in any zoning district.

SECTION 5.24 - TELECOMMUNICATION FACILITIES AND TOWERS

This Ordinance is an amendment to the Charter Township of Blackman Zoning Ordinance and is enacted pursuant to the enabling clause set forth herein. The purpose of such amendment is to add procedures and requirements for the construction and location of telecommunication facilities and towers within the Township and to make the required changes in the existing Zoning Ordinance to be compatible with this Amendment.

1. Definitions: As used in this amendment, the following definitions shall apply:

- a. Telecommunication(s) Facility:

A telecommunication facility shall mean and include all structures and accessory facilities relating to the use of radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, cellular towers, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), satellite dish facilities, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial radio service facilities, paging and similar services which are licensed and marketed to the general public, except preemptions as stated in the Federal Communications Act of 1996. Not included in this definition are citizen band radio facilities, short wave receiving facilities, federally licensed amateur (ham) radio facilities, and government facilities that are subject to state or federal law or regulations which preempt municipal regulatory authority and that do not exceed the height limitations for the appropriate zoning district. Also not included are those described facilities which are used by a single household or multiple residential units for the private use of the residents, and facilities which are receivers only and for which charges are not being made for viewing the signals being received.

- b. Applicant:

The applicant for a permit to erect a telecommunication facility as defined above.

- c. Application:

The application is a written request by the applicant for the permits and approvals necessary for the construction of a telecommunication facility.

2. Application Process:

Before any telecommunications facility is constructed within the Township, the application (with the required permit fees) shall be filed with the Township Clerk by the applicant. Such permit shall, at a minimum, contain the following information, as well as any other information subsequently determined to be necessary by the Planning Commission.

- a. A statement by the applicant describing engineering criteria which will permit co-location of additional antennas, if the telecommunication facility is 60 feet or more in height.
- b. A site survey to scale, showing all structures within 1000 feet, and including a legal description of the real estate.
- c. A detailed statement as to the intended buffering of the property to minimize its visibility to surround uses. Such buffering shall include but not be limited to the planting of evergreen or similar trees which will provide year-around screening, a fence no less than six feet tall, and the material out of which said fence shall be erected.
- d. The proposed height of the telecommunication facility.
- e. The location and size of all accessory buildings.
- f. The type of construction of the telecommunication facility.
- g. The proposed color of the telecommunication facility, which shall be gray unless otherwise decided upon by the Planning Commission.
- h. Each application shall be accompanied by a report prepared by a licensed Michigan professional engineer describing the telecommunication facility height and design, including a cross-section of the structure. The report shall demonstrate the telecommunication facility's compliance with applicable sub-structural standards and describe the telecommunication facility's road design. Such report shall also include a certificate by the engineer that the structure, if built according to the plans submitted, will comply with Section 5.24.3(g), 5.24.3(j), and 5.24.3(k) hereinafter set forth.
- I. The applicant in the application must demonstrate that the proposed site is the most appropriate site within the immediate area for the location of the telecommunication facility. Such demonstration shall be evidenced by a

study comparing at least two other potential host sites. Reasons for excluding a site for consideration include but are not limited to:

- i. Unwillingness of the owner to allow a telecommunications facility on his/her property.
 - ii. Topographical limitations of the site.
 - iii. Adjacent impediments that would obstruct adequate telecommunication transmissions.
 - iv. Physical site constraints that would preclude the construction of a telecommunication facility.
 - v. Technical limitations of the telecommunication system.
 - vi. Lack of a legal description of the property.
- j. The application shall be accompanied by a statement from a licensed Michigan professional engineer certifying that the telecommunication facility is in compliance with all applicable federal, state, and local laws, codes, regulations and ordinances.
 - k. The base of the telecommunication facility shall be determined by the setback requirements of the Zoning Ordinance. In no case shall the base of the telecommunication facility intrude into the minimum setback requirements.
 - l. Minimum spacing between self-supporting telecommunication facilities 75 feet and above shall be two miles in order to prevent a concentration of telecommunication facilities in one area.
 - m. All applications for the construction of commercial telecommunication antennas, satellite dishes, cellular towers, microwave dishes, paging and other wireless types of communication towers or antennas shall be subject to the provisions of the site plan review process set forth in this Ordinance. Each such application shall undergo a full and thorough site plan review, together with meeting all of the requirements of Section 5.6 and Section 5.24 of the Blackman Charter Township Zoning Ordinance.
 - n. All applications must include a copy of the FCC license.
 - o. The application shall contain information which will demonstrate that there is an existing need for the structure in question.

3. Minimum Standards:

All commercial wireless telecommunication facilities and towers erected, constructed, or located within the Charter Township of Blackman shall comply with the following minimum standards:

- a. Commercial telecommunication antennas, satellite dishes, cellular towers microwave dishes, paging and other wireless types of communication towers or antennas shall be self-supporting and separated from structures by a distance of no less than 200 feet or the height of the telecommunication facility plus 10%, whichever is greater, except structures used for the operation of the telecommunication facility. The setback distance shall be measured from the base of the telecommunication facility to the lot line.
- b. All communication facilities shall be inspected annually by a competent or licensed inspector to ensure the structural integrity of the telecommunication facility, appurtenances added to the telecommunication facility, equipment added to the telecommunication facility, and fixtures added to the telecommunication facility. A report of the results of the inspection shall be provided to the Township Clerk on or before August 1 of each year. Such reports shall be at the expense of the structure owner. If the owner fails to provide such a report, the township may obtain such from a qualified individual of its choice and recover its cost from the owner. If the owner fails to pay such amount within 30 days after written notification from the Township to pay such, the Township shall collect such using any lawful method, including but not limited to adding such to the next tax statement and collected as if such was, in fact, a tax.
- c. All telecommunication facilities shall be harmonious with an in accordance with the general objectives, intent and purposes of the Charter Township of Blackman Zoning Ordinance and will not be hazardous or disturbing to the existing or future neighboring uses.
- d. Such telecommunication facilities or towers shall not be artificially lighted unless otherwise required by the Federal Aviation Administration or other federal, state or local authority.
- e. There shall be vegetative screening though the use of evergreen shrubs or trees capable of forming a continuous hedge at least eight feet in height within two years of planting and a row of trees at least six feet in height at the time of placement with ten foot centers and a minimum mature height of 35 feet.
- f. Minimum property line setbacks shall be thirty (30) feet plus the height of the self-supporting telecommunication facility, plus ten (10%) percent of the height of the tower, or one hundred (100) feet, whichever is greater, in Agricultural, Commercial and Industrial Districts. Notwithstanding the foregoing language, no telecommunication facility shall be located closer

than 200 feet from the property line when the adjacent property within 500 feet is being used for residential purposes. The setback distance shall be measured from the base of the telecommunication facility to the lot line.

- g. The telecommunication facility shall conform to the ANSI standards for radio frequency exposure. The telecommunication facility shall be upgraded to meet any change in the ANSI standards. The owner or applicant shall immediately inform the Township of any ANSI standard changes and shall provide proof of compliance with the modified ANSI standard at its= cost.
- h. The total square footage of accessory buildings shall not exceed four hundred (400) square feet per user of the telecommunication facility. Accessory structures shall blend in with the surrounding area by considering color, texture and materials, topography and scale of buildings.
- i. Fuel tanks shall be buried in accordance with state regulations, or screened with landscaping, fencing or berms. Any trash area must be screened. Alternative fuel supplies shall meet applicable state law.
- j. The noise impacts of cooling and other types of equipment shall be minimized through location and screening. Noise may not exceed state noise standards, and shall conform to recommended decibels standards adopted by the appropriate local, state or federal agency.
- k. Metal telecommunication facilities shall be constructed of or treated with corrosive resistant material.
- l. Antenna and metal telecommunication facilities shall be grounded for protection against direct strike by lightning and shall comply as to the electrical wiring and connections with all applicable local statutes, regulations, standards and codes.
- m. There shall not be displayed any advertising or identification of any kind intended to be visible from the ground or other structure on any telecommunication facility, except such identification as may be required for emergency purposes.
- n. All parking and drive areas must be paved. However, the Planning Commission, in its= sole discretion, may allow an alternate type of finished surface for the parking and drive areas.
- o. All telecommunication facilities and towers shall be equipped with an anti-climbing device to prevent unauthorized access.
- p. All telecommunication devices added to existing facilities or towers must meet the requirements of this ordinance.

4. Abandonment:

In the event the use of any telecommunication facility has been discontinued for a period of 90 days, the telecommunication facility shall be deemed to be abandoned. Upon abandonment, the owner/operator of the telecommunication facility shall have an additional 90 days within which to reactivate the telecommunication facility, or dismantle and remove the telecommunication facility, restoring the premises to their original condition to the extent possible. All support structures, equipment, and related components, further, shall be removed to a depth of two feet below ground level.

5. Federal, State and Local Rules:

The owner or applicant of the telecommunication facility shall be required to adhere to all federal, state and local rules, regulations, statutes and ordinances. A violation of any of the foregoing shall constitute reasonable grounds for the municipality to revoke the telecommunication permit.

6. Tower Space and Tower Girths:

The applicant shall provide to the Charter Township of Blackman tower space and use rights for public safety communications and other municipal communications at no cost to the municipality if space is requested prior to construction of the tower or space is available at the time of the request by the Township.

7. Conditional or Permitted Use:

Telecommunication facilities shall be subject to the provisions of Section 5.24 of this Ordinance regardless of whether such facilities are designated as a conditional or permitted use in any zoning district. Such conditions are necessary to preserve the safety, health and welfare of the residents because of the nature of the activity.

8. Bonds:

The owner of the telecommunication facility or tower shall post a bond with the Township in an amount to cover the reasonably estimated costs and expenses of dismantling and removing the telecommunication facility or tower in the event that the same is abandoned, and the owner fails to dismantle and/or remove the same within 90 days. Said bond shall be with a reputable insurance or guarantee company. The amount of the bond shall be established by the Township Board, and may be adjusted from time to time on an annual basis to reflect changing costs and expenses of dismantling and moving the telecommunication facility or tower.

9. Transfer of Ownership:

These regulations and standards shall apply to successor owner(s) of the telecommunication facilities if title or ownership of the telecommunication facility is transferred to another person, partnership, corporation or any other entity.

10. False Statement on Application:

Any application containing a false statement shall be deemed null and void. Any money on deposit with the Township shall be forfeited to the Township. Applicant may not reapply for the same site for a period of 365 consecutive days from the date of forfeiture. Any applicant who makes a false statement on an application shall be guilty of a misdemeanor, and subject to a fine not to exceed \$500.00 and/or imprisonment in the county jail not to exceed 90 days.

11. Names of References on Application:

This application shall state the name, address and phone number(s) of the person(s) to contact for engineering, maintenance, and other notice purposes. The application shall also include the name of the back haul provider, if applicable.

12. Stealth Design Requirements:

The Planning Commission may require camouflage or innovative design for a telecommunication facility. Such design requirements may include, but not be limited to, camouflaging the facility, requiring a specific paint color and/or paint scheme, or requiring the facility to be so designated as to blend into the existing environs and background of the facility.

13. Co-Location Requirements:

All commercial wireless telecommunication facilities erected, constructed, or located within the Township shall comply with the following requirements:

- a. The proposal for a new commercial wireless telecommunication facility shall not be approved unless the Township Board finds that the telecommunication equipment planned for the proposed telecommunication facility cannot be accommodated on an existing or approved telecommunication facility or building within a one mile search radius of the proposed telecommunication facility due to one or more of the following reasons:
 - i. The planned equipment would exceed the structural capacity of the existing or approved telecommunication facility or building as documented by a qualified and licensed Michigan professional engineer, and the existing or approved telecommunication facility cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.

- ii. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the telecommunication facility or building as documented by a qualified and licenses Michigan professional engineer, and the interference cannot be prevented at a reasonable cost.
 - iii. Existing or approved telecommunication facilities or buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonable as documented by a qualified and licensed Michigan professional engineer.
 - iv. Other unforeseen reasons that make it unfeasible to locate the planned telecommunication equipment upon an existing or approved telecommunication facility, tower or building. Any proposed commercial wireless telecommunication service tower shall be designed B structurally, electrically, and in all respects B to accommodate both the applicant=s antennas and comparable antennas for a minimum of two users if the telecommunication facility is over 100 feet in height, or for at least one additional user if the telecommunication facility is over 60 feet in height. Telecommunication facilities must be designated to allow future rearrangement of antennas upon the telecommunication facility to accept antennas mounted at varying heights.
- b. No telecommunication facility shall be constructed unless there is proof that co-location on an existing telecommunication facility cannot meet the needs of the applicant.
 - c. All operators of telecommunication facilities constructed under this Ordinance section may not prohibit another operator or user from co-location of its equipment at the then going rate for co-location on similar telecommunication facilities without a compelling reason approved by the Township Board. All operators must have Board approval before denying a co-location request.

14. Amendments to Text of Present Zoning ordinance:

The following amendments are made to the existing Charter Township of Blackman Zoning Ordinance.

- a. Section 2.2.20 Essential Services Paragraph 1 was amended to reflect that sewage storage and/or treatment facilities shall be considered an essential service.
- b. The following is added to Section 2.2:

2.2.50.1 Telecommunications(s) Facility: Telecommunication(s) facility shall be defined as set forth in Section 5.24.1(a).

- c. The following is added to Section 4.1.1(a):
 - 9. Telecommunication facilities no more than ten (10) feet in height mounted to any existing structure.
- d. Paragraph 18 of Section 4.1.1(b) is deleted in its entirety and replaced with the following:
 - 18. A telecommunication facility which meets the requirements of Section 5.24 which does not exceed the height of 200 feet and which is not attached to an existing structure.
- e. The following is added to Section 4.2.1(a):
 - 7. Telecommunication facilities no more than ten (10) feet in height mounted to any existing structure.
- f. The following is added to Section 4.2.1(b):
 - 10. A telecommunication facility which meets the requirements of Section 5.24 which does not exceed the height of 200 feet and which is not attached to an existing structure.
- g. The following is added to Section 4.3(a):
 - 9. Telecommunication facilities no more than ten (10) feet in height mounted to any existing structure.
- h. Paragraph 4 of Section 4.3(b) is deleted in its entirety and replaced with the following:
 - 4. A telecommunication facility which meets the requirements of Section 5.24 which does not exceed the height of 200 feet and which is not attached to an existing structure.
- i. Section 4.3.2 Office/Research District (O-2) was added:
- j. The following is added to Section 4.4.1(a):
 - 8. Telecommunication facilities no more than ten (10) feet in height mounted to any existing structure.

- k. Paragraph 5 of section 4.4.1(b) is deleted in its entirety and replaced with the following:
 - 5. A telecommunication facility which meets the requirements of Section 5.24 which does not exceed the height of 200 feet and which is not attached to an existing structure.
- l. The following is added to Section 4.4.2(a):
 - 12. A telecommunication facility not exceeding 25 feet in height.
- m. Paragraph 15 of Section 4.4.2 is deleted in its entirety and replaced with the following:
 - 15. A telecommunication facility which meets the requirements of Section 5.24 which does not exceed the height of 200 feet and which is not attached to an existing structure.
- n. The following is added to Section 4.4.3(a):
 - 11. A telecommunication facility not exceeding 25 feet in height.
- o. Paragraph 12 of Section 4.4.3(b) is deleted in its entirety and replaced with the following:
 - 12. A telecommunication facility which meets the requirements of Section 5.24 which does not exceed the height of 200 feet and which is not attached to an existing structure.
- p. Paragraph 14 of Section 4.5.1(a) is deleted in its entirety and replaced with the following:
 - 14. Telecommunication facilities. There shall be no maximum height limitation to any existing telecommunication facility and their attendant structures, providing such structure has a fall-down area no less than the height of the telecommunication facility.
- q. Paragraph 9 of Section 4.5.2(a) shall be deleted in its entirety and replaced with the following:
 - 9. Telecommunication facilities. There shall be no maximum height limitation to any existing telecommunication facility and their attendant structures, providing such structure has a fall-down area no less than the height of the telecommunication facility.
- r. A Section 4.5.2(b) 9 Sewage Treatment Facilities was added:

- s. A Section 4.6.01 Open Space Preservation was added:
- t. The following was added to Section 5.13.d:
 - d. In a residential district where a structure is prohibited solely because the lot of parcel of land the structure is constructed upon does not adjoin a public road, such structure and the use of it shall be considered to be a permitted use providing the structure was in existence prior to (*adoption date*), 2003 and such structure and use do not violate any other provisions of this ordinance as of the adoption date.

15. Cases Not Covered by Amendments:

In all cases involving the construction of a telecommunication facility not covered by the amendments in Section 5.24, such must follow and be granted a conditional use permit prior to the issuance of a building permit.

16. Repeal of Existing Ordinance Provisions:

These amendments to the Charter Township of Blackman Zoning Ordinance are incorporated into such Ordinance as if such had originally been included into the Ordinance. Only those portions of said Zoning Ordinance in conflict with these amendments to the Zoning Ordinance are repealed by this amendment. All portions and provisions of the Zoning Ordinance not in conflict with this amendment are not repealed and remain in full force and effect.

17. Penalty for Violation of Telecommunication Ordinance:

Any person, group, association, or any other type or organization, which violates the provisions of this Ordinance, including but not limited to the failure to file or provide the reports as set forth herein, shall be guilty of the violation of this amendment and shall be subject to the penalties set forth in the Zoning Ordinance.

18. Adoption and Effective Date:

This Ordinance was adopted by the Charter Township of Blackman Board at a special bond meeting which was held on July 16, 2001, in compliance with the provisions of state law, including what is commonly referred to as The Open Meetings Act. Such shall be effective 10 days after publication in a newspaper having general circulation in the Charter Township of Blackman, Jackson County, Michigan, area.

SECTION 5.25 - FILL

Fill of a given lot or site shall be subject to the conditions of 5.6 Site Plan Review and the following requirements:

1. Filling of a lot or site shall not result in a higher topography than the surrounding lot or site topography.
2. Material used for the purpose of changing the topography shall be naturally occurring soil free of construction material and other foreign matter unless prior approval is obtained.
3. Filling shall not encroach upon the adjoining lot or site and shall not allow surface drainage to run off on to the adjoining areas.
4. Filled areas shall result in an aesthetically pleasing surrounding.
5. Lot or site areas to be filled shall have the approval of all other authorities having jurisdiction.
6. Section 4.6 - District area, yard, height, and full regulations.

ARTICLE VI

ADMINISTRATION OF THE ORDINANCE

SECTION 6.1 - PURPOSE

It is the purpose of this Article to provide the procedures for the administration of this Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violators, and enforcement of the provisions of this Ordinance and amendments thereto.

SECTION 6.2 - ADMINISTRATION (Adopted 10/20/97)

Except when herein otherwise stated the provisions of this Ordinance shall be administered and enforced by the Zoning Administrator, Township Clerk, Supervisor or such deputies as may be designated from time to time by the Supervisor, or by such deputies of the Building or Public Safety Department as the Charter Township of Blackman Board may designate from time to time to enforce the provisions of this Ordinance.

SECTION 6.3 - DUTIES OF ZONING ADMINISTRATOR

The Zoning Administrator shall have the power to grant zoning compliance permits and certificates of occupancy and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance, nor shall the Zoning Administrator vary or change any terms of this Ordinance.

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

The Zoning Administrator shall submit to the Planning Commission and the Charter Township of Blackman Board, quarterly reports fully explaining the type and nature of uses permitted by right; the nature and extent of violations of this Ordinance; and the type and nature of nonconforming uses, buildings, and structures. The Zoning Administrator shall maintain a record of all zoning compliance permits and certificates of occupancy.

SECTION 6.4 - ZONING COMPLIANCE PERMITS

6.4.1 Issuance of Zoning Compliance Permits:

No building or structure, or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered, converted, or enlarged or moved; nor shall any change be made in the use of any building, structure, or land without a zoning compliance permit having been obtained from the Zoning Administrator for such building, structure, or land. A zoning compliance application shall be filled out and submitted to the Zoning Administrator.

The Zoning Administrator shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications including a plot Plan in duplicate, drawn to scale, showing the following information:

- a. The actual dimensions and shape of the lot to be built upon and,
- b. The exact size and location of existing structures on the lot, if any; and,
- c. The location and dimensions of the proposed structure or alteration.

One (1) copy of the plans be returned to the applicant by the Zoning Administrator after such copy has been approved or disapproved, and attested to same by the Zoning Administrator's signature on such copy. The Zoning Administrator shall retain the original copy, similarly marked, for his files. Whenever the buildings, structures, and uses as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the applicant a zoning compliance permit within ten (10) days of the filing thereof. Where action of the Board of Appeals or the Planning Commission is required in any case, as set forth in this Ordinance, the Zoning Administrator shall issue such permit promptly following such action.

6.4.2 Voiding of Zoning Compliance Permit:

Any Zoning Compliance permit granted under this Ordinance shall become null and void and fees forfeited if any facts are knowingly falsified or misrepresented by the petitioner, and unless constructions is completed and use initiated within five hundred forty-five (545) days of the date of issuance. A zoning compliance permit shall be renewable upon reapplication and upon payment of the fee, subject however, to the provisions of all ordinances in effect at the time of renewal.

SECTION 6.5 - CERTIFICATE OF OCCUPANCY, FINAL INSPECTION

6.5.1 Issuance of Certificate of Occupancy:

No building or structure, or part thereof, shall be occupied by or for any use for which a zoning compliance permit is required by this Ordinance unless and until a

certificate of occupancy shall have been issued for such use. The holder of a zoning compliance permit for the construction, erection, or moving of any building, structure or part thereof, for the establishment of a use, shall make application to the Zoning Administrator immediately upon the completion of the work authorized, by the zoning compliance permit for a final inspection.

A certificate of occupancy shall be issued by the Building Inspector within five (5) days of receipt of such application if it is found that the building or structure, or part thereof, is in accordance with the provisions of this Ordinance.

6.5.2 Voiding of Certificate of Occupancy:

Any certificate of occupancy granted under this Ordinance shall become null and void if such use, buildings, or structure for which said certificate was issued are found by the Zoning Administrator to be in violation of this Ordinance. The Zoning Administrator upon finding such violation shall immediately notify the Charter Township of Blackman Board of said violation and void the certificate of occupancy.

SECTION 6.6 - FEES, CHARGES, AND EXPENSES

The Charter Township of Blackman Board shall establish a schedule of fees, charges and expenses, and a collection procedure for zoning compliance permits, certificates of occupancy, appeals and other matters pertaining to the Ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator, and may be altered or amended only by the Charter Township of Blackman Board. No permit, certificate, conditional use on approval or variance shall be issued unless or 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 Board of Appeals, unless or until preliminary charges and fees have been paid in full.

SECTION 6.7 - VIOLATIONS AND PENALTIES: NUISANCE PER SE: ABATEMENT

(Adopted 02/05/96)

- A. Notice of Violation - The Zoning Administrator shall serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, use or occupancy of a structure or lot in violation of this Ordinance, or in violation of a certificate of zoning compliance issued hereunder. Such order shall direct the discontinuance of the illegal action or condition, and abatement of the violation.
- B. Stop Work Order - Upon notice from the Zoning Administrator that work on any structure or premises is being prosecuted contrary to the provisions of this Ordinance, such work shall be immediately stopped. The stop work order shall be posted on the property. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which the work may be resumed. Any person who shall continue any work in or about the structure or premises after having been served with a stop work order, except such work as such

person is directed by the Zoning Administrator to perform in order to remove violations or unsafe conditions, shall be liable for the penalties set forth in paragraph C below.

- C. Violations, Penalties - Any person who shall violate any provision of this Ordinance or shall fail to comply with any of its requirements, or who shall erect, construct, alter or repair a structure in violation of an approved Plan or directive of the Zoning Administrator, or of a certificate or permit issued under this Ordinance, shall be guilty of a misdemeanor. Upon conviction, such person shall be punishable by a fine of not more than Five Hundred (\$500) Dollars or by imprisonment not exceeding ninety (90) days or both. Each day a violation occurs shall be deemed a separate offense.

- D. Nuisance Per Se - Any structure which is erected, altered or converted or any use of any structure or lot which is commenced, exists or changes in violation of any of the provisions herein, is declared to be a nuisance per se, and shall be abated by order of any Court of competent jurisdiction. (Adopted 08/18/97)

ARTICLE VII

BOARD OF APPEALS

SECTION 7.1 - BOARD OF APPEALS ESTABLISHED

There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers as provided in Act 184 of the Public Acts of 1943, as amended, in such a way that the objectives of this Ordinance shall be observed, the public health and safety secured, and substantial justice done.

SECTION 7.2 - DUTIES OF THE BOARD OF APPEALS

The Board of Appeals shall hear and decide only such matters as the Board of Appeals is specifically authorized to pass on as provided in this Ordinance. The Board of Appeals shall not have the power to alter or change the zoning districts classification of any property; not to make any changes in the terms of this Ordinance; but does have the power to authorize a variance as defined in this Ordinance, to act on those matters where this Ordinance may require an interpretation, and to issue a temporary use permit when authorized by this Ordinance.

SECTION 7.3 – VARIANCE (Adopted 06/04/07)

The Board of Appeals may authorize, upon an appeal, a variance from the strict applications of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape, or contour of a specific tract of land at the time of enactment of this Ordinance or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, the owner of such property. No variance shall be granted to permit the establishment within a district of any use which is excluded or for which a conditional use permit is required.

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

- a. A written application for a variance is submitted, demonstrating the following:
 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 3. That the special conditions and circumstances do not result from the actions of the applicant.

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 5. That no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- b. The Board of Appeals shall determine that the requirements of the Ordinance have been met by the applicant for a variance.
 - c. The Board of Appeals shall determine 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 reasonable use of the land, building, or structure.
 - d. The Board of Appeals shall determine that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighboring, or otherwise detrimental to the public welfare.
 - e. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
 - f. Each variance granted under the provisions of this Ordinance shall become null and void unless:
 1. The construction authorized by such variance or permit has been commenced within one hundred eighty (180) days after the granting of such variance and pursued diligently to completion; or
 2. The occupancy of land or buildings authorized by such variance has taken place within one hundred eighty (180) days after the granting of such variance.
 - g. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

SECTION 7.4 - INTERPRETATION OF ZONING ORDINANCE

The Board of Appeals shall hear and decide appeals where it is alleged by the applicant there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing any provisions of this Ordinance including interpretations of the Zoning Map.

SECTION 7.5 - APPEALS TO THE BOARD OF APPEALS

7.5.1 Appeals, How Taken:

Appeal from the ruling of the Zoning Administrator or the Charter Township of Blackman Board concerning the enforcement of the provisions of this Ordinance may be made to the Board of Appeals within sixty (60) days by the filing with the officer from whom the appeal is taken. This officer shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed was taken.

7.5.2 Who May Appeal:

Appeals to the Board of Appeals may be petitioned by any person aggrieved or by any officer, department, board, agency, or bureau of the Township, Village, City, County, or State.

7.5.3 Fee for Appeal:

A fee prescribed by the Charter Township of Blackman Board shall be paid to the Charter Township of Blackman at the time of filing the petition for appeal. No part of the fee shall be returnable to the petitioner.

7.5.4 Effect of Appeal; Restraining Order:

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

7.5.5 Notice of Hearing: (Adopted 06/04/07)

When a request for an appeal has been filed in proper form with the Board of Appeals, the Board of Appeals' Secretary or Charter Township of Blackman Clerk 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 be served personally or by registered return receipt mail at least fifteen (15) days prior to the date of such hearing, upon the party or parties making the request for appeal and to all persons to

whom any real property within three hundred (300) feet of the premises in question is assessed, and to occupants of all single and two-family dwellings within three hundred (300) feet. The property in question shall also be conspicuously posted at least fifteen (15) days prior to the hearing.

7.5.6 Representation of Hearing:

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

7.5.7 Decisions of the Board of Appeals and Appeals to the Circuit Court:

The Board of Appeals shall decide upon all matters within a reasonable time and may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator or the Charter Township of Blackman Board from whom the appeal is taken. The 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 Board of Appeals in each particular case. Any person having an interest affected by such resolution shall have the right to appeal to the Circuit Court on question of law and fact.

ARTICLE VIII

AMENDMENT PROCEDURES

SECTION 8.1 - INITIATING AMENDMENTS AND FEE

The Charter Township of Blackman Board may, from time to time, on recommendation from the Planning Commission on its own motion amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendments. Said amendment may be initiated by resolution of the Charter Township of Blackman Board, the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Charter Township of Blackman Board or the Planning Commission, the petitioner requesting an amendment shall at the time of application pay the fee established by resolution of the Charter Township of Blackman Board, no part of which shall be returnable to the petitioner.

SECTION 8.2 - AMENDMENT PROCEDURES (Adopted 06/04/07)

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

SECTION 8.3 - TIME ELEMENT BETWEEN ZONING REQUEST

No petition to amend the Zoning Ordinance or effect a district change shall be reconsidered by the Planning Commission after the same has been rejected by the Charter Township of Blackman Board for a period of 365 days from such denial, except those petitions containing new evidence or proof of changed conditions concerning said petition.

SECTION 8.4 - CONFORMANCE TO COURT DECREE

Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Charter Township of Blackman Board and the amendments published without referring the same to any other board agency.

ARTICLE IX
LEGAL STATUS

SECTION 9.1 - CONFLICT WITH OTHER LAWS

Conflicting laws of a more restrictive nature are not affected of repeal by this Ordinance. The provisions of this Ordinance shall be considered as minimum. Conflicting laws of a less restrictive nature, or those conflicting in other ways than degrees of restrictiveness, are hereby repealed.

This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

SECTION 9.2 - VALIDITY AND SEVERABILITY CLAUSE

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not effect any other provisions of this Ordinance not included in said ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use building, or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

SECTION 9.3 - PERIOD OF EFFECTIVENESS

This Ordinance shall remain in full force and effect henceforth unless repealed.

SECTION 9.4 - REPEAL OF ORDINANCE (Adopted 6/15/92)

The "Zoning Ordinance of the Charter Township of Blackman, Jackson County, Michigan" adopted on April 27, 1966, and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

SECTION 9.5 - SAVINGS CLAUSE

All pending litigation commenced under a prior ordinance or cause of action arising under a prior ordinance hereby expressly is saved and shall be determined

by a court of law with reference to the prior ordinance or ordinances. Situations within this clause shall be an exception to repeal of a prior ordinance or ordinances.

SECTION 9.6 - EFFECTIVE DATE

This Ordinance was adopted by the Blackman Charter Township Board of Jackson County, Michigan, at a meeting held on November 5, 1973 and notice ordered published in Parma News, a newspaper having general circulation in said Charter Township of Blackman.

Date: November 5, 1973

Phillip J. Woods
(Supervisor)

November 5, 1973

Robert J. Pickell
(Clerk)

The following amendments have be incorporated:

Section 4.4.4.a.2 adopted December 5, 1994
Section 5.2 adopted December 5, 1994
Section 5.9e adopted December 5, 1994
Section 5.23 adopted December 19, 1994
Section 6.7 adopted February 5, 1996
Section 2.2.27 adopted June 17, 1996
Section 4.6.7 adopted June 17, 1996
Section 6.2 adopted October 20, 1997
Section 2.2.20 adopted March 16, 1998
Section 5.13 adopted March 16, 1998
Section 4.4 adopted March 16, 1998
Section 4.5 adopted March 16, 1998
Section 2.2.19.2 adopted March 16, 1998
Section 4.2.6 adopted March 16, 1998
Section 4.5.2 adopted September 21, 1998
Section 5.5.8 adopted December 21, 1998
Section 5.6.5 adopted December 21, 1998
Section 5.3 adopted December 21, 1998
Section 5.3.1 adopted December 21, 1998
Section 5.3.2 adopted December 21, 1998
Section 5.3.3 adopted December 21, 1998
Section 5.3.4 adopted December 21, 1998
Section 5.3.5 adopted December 21, 1998
Section 2.2.21 adopted April 19, 1999
Section 5.24 adopted April 19, 1999
Section 5.2.10 adopted November 15, 1999
Section 5.6 adopted January 17, 2000
Section 4.4.2 adopted June 26, 2000
Section 5.6.15 adopted June 26, 2000
Section 5.3 adopted April 16, 2001
Section 2.2.65 adopted July 2, 2001
Section 5.25 adopted July 2, 2001
Section 5.24 adopted July 16, 2001
Section 5.3.1 adopted April 16, 2001
Section 5.13.d adopted March 17, 2003
Section 4.06.01 adopted December 16, 2002
Section 4.3.2 adopted November 17, 2003
Section 4.5.2b.9 adopted December 15, 2003
Section 2.2.20 adopted December 15, 2003
Section 4.6.5 adopted July 5, 2005
Section 5.2.10 (h) adopted August 1, 2005

BLACKMAN CHARTER TOWNSHIP ORDINANCE NO. 2020-__

“HOME OCCUPATIONS – MEDICAL USE OF MARIHUANA”

AN ORDINANCE OF THE CHARTER TOWNSHIP OF BLACKMAN, JACKSON COUNTY, MICHIGAN, TO ESTABLISH LAND USE AND ZONING REQUIREMENTS; TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE CHARTER TOWNSHIP OF BLACKMAN; AND TO PROVIDE REGULATIONS FOR THE MEDICAL USE OF MARIHUANA IN THE COURSE OF A HOME OCCUPATION.

THE CHARTER TOWNSHIP OF BLACKMAN ORDAINS:

42-355a Medical use of marihuana

1. A registered primary caregiver, operating in compliance with the Michigan Medical Marihuana Act, hereinafter (“MMMA”), the MMMA General Rules, and the requirements of this section, shall be permitted as a home occupation, as regulated by this subsection. The Charter Township of Blackman makes the following findings, in support of its determination that the regulation of registered primary caregivers as a permitted home occupation is consistent with the purposes and intent of the MMMA:
 - a. The MMMA does not create a general right for individuals to use, possess, or deliver marihuana in Michigan.
 - b. The MMMA’s protections are limited to individuals suffering from serious or debilitating medical conditions or symptoms, to the extent that the individuals’ marihuana use is carried out in compliance with the provisions of the MMMA, including the provisions related to the operations of registered primary caregivers.
 - c. The MMMA’s definition of “medical use” of marihuana includes the “transfer” of marihuana “to treat or alleviate a registered qualifying patient’s debilitating medical condition or symptoms associated with the debilitating medical condition,” but only if such “transfer” is performed by a registered primary caregiver who is connected with the same qualifying patient through the registration process established by the Department of Licensing and Regulatory Affairs, and who is otherwise operating in strict compliance with the MMMA and the MMMA General Rules.
 - d. The MMMA provides that a registered primary caregiver may assist no more than five (5) qualifying patients with their medical use of marihuana.
 - e. The MMMA does not, therefore, create a new vocation for entrepreneurs or others who wish to engage in the sale of marihuana to more than five

persons in a commercial setting. Instead, the MMMA is directed at improving the health and welfare of qualifying patients.

- f. The health and welfare of qualifying patients is improved by permitting the operations of registered primary caregivers as a home occupation, because this allows qualifying patients who suffer from serious or debilitating medical conditions symptoms to obtain the benefits of the medical use of marihuana in a residential setting, without having to unnecessarily travel into commercial areas.
 - g. By permitting the operations of registered primary caregivers as a home occupation, rather than in a commercial setting, this promotes the MMMA's purpose of ensuring that:
 - i. a registered primary caregiver is not assisting more than five (5) qualifying patients with their medical use of marihuana, and
 - ii. a registered primary caregiver does not unlawfully expand its operations beyond five (5) qualifying patients, so as to become an illegal commercial operation, in the nature of a marihuana collective, cooperative or dispensary.
2. The following standards and requirements shall apply to the location at which the medical use of marihuana is conducted by a primary caregiver:
- a. A registered primary caregiver shall not possess marihuana, or otherwise engage in the medical use of marihuana, in a school bus, on the grounds of any preschool or primary or secondary school, or in any correctional facility.
 - b. Not more than two (2) registered primary caregivers, who shall also be full-time residents of the dwelling, shall be permitted to operate at any one property.
 - c. The medical use of marihuana shall be conducted entirely within a dwelling or attached garage, except that a registered primary caregiver may keep and cultivate, in an "enclosed, locked facility" (as that phrase is defined by the MMMA), up to twelve (12) marihuana plants for each registered qualifying patient with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to twelve (12) additional marihuana plants for personal use, if the primary caregiver is also registered as a qualifying patient under the MMMA.
 - d. A sign identifying the home occupation by word, image or otherwise, or indicating that the medical use of marihuana is taking place on the

premises, shall not be permitted; nor shall any vehicle having such a sign be parked anywhere on the premises.

- e. Except for lighting, heating, watering, drying or other equipment, or fertilizers, herbicides or other chemicals directly related to the medical use of marihuana, no other materials or equipment not generally associated with normal ownership, use, and maintenance of a dwelling shall be permitted.
- f. Distribution of marihuana or use of items in the administration of marihuana shall not occur at or on the premises of the primary caregiver. A qualifying patient shall not visit, come to, or be present at the residence of the primary caregiver to purchase, smoke, consume, obtain, or receive possession of any marihuana.
- g. Except for the primary caregiver, no other person shall deliver marihuana to the qualifying patient.
- h. No one under the age of 18 years shall have access to medical marihuana.
- i. No on-site consumption or smoking of medical marihuana by qualifying patients shall be permitted within the dwelling (or on the property) of a primary caregiver, except for lawful medical marihuana consumption by the primary caregiver if registered as a qualifying patient under the MMMA.
- j. Medical marihuana shall not be grown, processed, handled, or possessed at the dwelling of the primary caregiver beyond that which is permitted by law.
- k. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of a building or structure in which equipment and devices that support the cultivation, growing or harvesting of marihuana are located or used.
- l. If marihuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.
- m. Related merchandise or products shall not be sold or distributed from the dwelling or property of the primary caregiver, apart from the permitted quantity of medical marihuana or medical marihuana derivatives.
- n. To ensure compliance with all applicable requirements and laws, the portion of a building or other structure, such as a cultivation room, where energy use and heating requirements exceed typical residential limits and chemical storage occurs, are subject to inspection and approval by the Charter

Township of Blackman's Building Inspector or other individual designated by the township.

- o. The property, dwelling and all enclosed, locked facilities shall be available for inspection upon request by the Charter Township of Blackman's Building Inspector, any law enforcement officer, or other individual designated by the township.
 - p. The operations of a registered primary caregiver, as a home occupation, shall be permitted only with the prior issuance of a Township permit.
 - q. A complete and accurate application shall be submitted on a form provided by the Township and an application fee in an amount determined by resolution of the Township Board shall be paid.
 - r. The permit application shall include the name and address of the applicant; the address of the property; proof, such as a driver's license, voter registration card or similar record showing that the dwelling is the applicant's full-time residence; a current state registration card issued to the primary caregiver; a full description of the nature and types of equipment which will be used in marihuana cultivation and processing; and a description of the location at which the use will take place. The zoning administrator may require additional information necessary to demonstrate compliance with all requirements. The Public Safety Department shall review the application to determine compliance with this Ordinance.
 - s. A permit shall be granted if the application demonstrates compliance with this Ordinance. The use shall be maintained in compliance with the requirements of this Ordinance. Any departure shall be grounds to revoke the permit and take other lawful action. If a permit is revoked, the applicant shall not engage in the activity unless and until a new permit is granted.
 - t. Information treated as confidential under the MMMA, including the primary caregiver registry identification card and any information about qualifying patients associated with the primary caregiver, which is received by the Township, shall be maintained separately from public information submitted in support of the application. It shall not be distributed or otherwise made available to the public and shall not be subject to disclosure under the Freedom of Information Act.
3. Except as otherwise permitted by Township ordinance, or the Michigan Medical Marihuana Facilities Licensing Act, it is unlawful to establish or operate a for-profit or nonprofit medical marihuana dispensary, collective or cooperative within the Township, even if such use is intended for the medical use of marihuana.

4. The use of the dwelling or other permitted facility of a qualifying patient to cultivate medical marihuana in accordance with the MMMA, solely for personal use, does not require a permit under this subsection; however, all applicable Township ordinance requirements must be met.
5. The provisions of this subsection do not apply to the personal use and/or internal possession of marihuana by a qualifying patient in accordance with the MMMA, for which a permit is not required.
6. Should any section, sub-section, provision, word, or phrase of this Ordinance be determined to be invalid, the remaining portions of the Ordinance shall remain in full force and effect.

Blackman Township Off-Street Parking Standards Revision

6. Schedule Off-Street Parking Requirements

| USE | PARKING SPACES | |
|--|----------------|--|
| | MINIMUM | MEASUREMENT |
| 1. Residential Uses | | |
| a. One or two Family Dwellings | 2.00 | per each dwelling unit |
| b. Multiple-Family Dwellings | 2.00 | per each dwelling unit; plus |
| | 1.00 | per 6 dwelling units |
| c. Senior Citizen Housing | 1.50 | per each dwelling unit |
| d. Mobile Home Park | 2.00 | per each mobile home site (per the Mich. Admin Code r. 125.1925); plus |
| | 1.00 | per each 5 dwelling units (per the Mich. Admin Code r. 125.1926) |
| 2. Institutional Uses | | |
| a. Churches | 1.00 | per each 4 seats based on maximum seating capacity in the main place of assembly therein |
| b. Private Clubs and Lodges | 1.00 | per each 4 individual members allowed within the maximum occupancy load as established by fire and/or building codes |
| c. Hospitals | 1.00 | per each administrative, professional and staff member on maximum shift; plus |
| | 1.00 | per each 4 beds |
| d. Convalescent Homes, Homes for the Aged, Nursing Homes, Children's Homes | 1.00 | per each administrative, professional and staff member on maximum shift; plus |
| | 1.00 | per each 6 beds |
| e. Trade Schools, Colleges and Universities | 1.00 | per each administrative and staff member on maximum shift; plus |
| | 7.00 | per each classroom |
| f. High Schools | 1.00 | per each administrative and staff member on maximum shift; plus |
| | 6.00 | per each classroom |
| g. Elementary and Middle/Junior High Schools | 1.00 | per each administrative and staff member on maximum shift, plus |
| | 1.50 | per each classroom |
| h. Child Care, Group Day Care Homes and Nursery Schools | 1.00 | per each administrative and staff member on maximum shift; plus |
| | 1.00 | per each 5 students of licensed capacity |
| i. Stadiums, Sports Arenas & Auditoriums | 1.00 | per each 5 seats based on maximum seating capacity |
| j. Libraries and Museums | 1.00 | per each 250 square feet of floor area; plus |
| | 1.00 | per each employee on maximum shift. |

| USE | PARKING SPACES | |
|--|----------------|--|
| | MINIMUM | MEASUREMENT |
| 3. General Commercial Uses: | | |
| a. Retail stores, except as otherwise specified herein | 1.00 | per 150 square feet of floor area |
| b. Supermarkets, Drugstores and other self-serve retail establishments | 1.00 | per 200 square feet of floor area |
| c. Convenience Stores | 1.00 | per 200 square feet of floor area |
| d. Planned Shopping Center | 1.00 | per 150 square feet of floor area for the first 15,000 square feet; plus |
| | 1.00 | per 200 square feet of floor area in excess of 15,000 square feet |
| e. Furniture, Appliances, Hardware and Household Equipment Sales | 1.00 | per each 350 square feet of floor area |
| f. Motels and Hotels, Lodging Houses and Boarding Houses | 1.25 | per each guest bedroom, plus the amount required for accessory uses such as taverns and cocktail lounges |
| g. Fast Food Restaurants | 1.00 | per each 100 square feet of floor area |
| h. Sit-Down Restaurants | 1.00 | per each 3 seats, based on maximum seating capacity |
| i. Taverns and Cocktail Lounges (other than fast food restaurants) | 1.00 | per each 3 persons allowed within maximum occupancy load as established by fire and/or building codes |
| j. Garden Stores, Building Material Sales, and Open Air Businesses | 1.00 | per each 500 square feet of building floor area devoted to sales and display; plus |
| | 1.00 | per each 2,000 square feet of warehouse floor area; plus |
| | 1.00 | per each 1,500 square feet of lot area used for open air display and sales |
| k. Movie Theaters | 1.00 | per each 2 seats based on the maximum seating capacity |
| 4. Automotive Uses: | | |
| a. Auto Sales | 1.00 | per each 200 square feet of showroom floor; plus |
| | 2.50 | per each service stall |
| b. Automobile Repair, Facilities including Collision and Bump Shops | 2.50 | per each service stall; plus |
| | 1.00 | per each service vehicle |
| c. Automobile Service Stations | 1.00 | per pump unit; plus |
| | 2.50 | per service stall; plus |
| | | the amount required for accessory uses such as convenience stores |
| d. Automobile Washes (self-serve) | 1.00 | per every 2 stalls; plus |
| | 1.00 | per each vacuum station; plus |
| | | see Section 5.3.4 |
| e. Automobile Washes (automatic) | 1.00 | per 250 square feet of floor area of customer waiting and service area; plus |
| | 1.00 | per each vacuum station |

| USE | PARKING SPACES | |
|--|----------------|---|
| | MINIMUM | MEASUREMENT |
| 5. Office and Service Uses: | | |
| a. Medical and Dental Offices | 1.00 | per each 200 square feet of floor area |
| b. Business and professional Offices | 1.00 | per each 250 square feet of floor area |
| c. Banks | 1.00 | per each 250 square feet of floor area |
| d. Barber and Beauty Shops | 2.50 | per each chair |
| e. Funeral Homes | 1.00 | per each 4 persons allowed with maximum occupancy load as established by fire and/or building codes |
| 6. Recreational Uses: | | |
| a. Bowling Alleys | 3.50 | per bowling lane, plus The amount required for accessory uses such as taverns and cocktail lounges |
| b. Private Tennis, Swim or Golf Clubs, or Other Similar Uses | 1.00 | per each 4 persons allowed with maximum occupancy load as established by fire and/or building codes |
| c. Golf Course | 4.50 | per each hole, plus required for accessory uses such as a restaurant or cocktail lounge |
| d. Equestrian Training Facilities | 1.00 | per each 3 stalls plus |
| | 1.00 | per each employee |
| e. Assembly Halls other than Schools | 1.00 | per each 5 seats |
| 7. Industrial Uses: | | |
| a. Industrial, Manufacturing or Research Establishments | 1.00 | per 250 square feet of office floor area, plus |
| | 1.00 | per each 2 persons on maximum shift |
| b. Warehouses and Wholesale Establishments | 1.00 | per each 250 square feet of office floor area, plus |
| | 1.00 | per each 2 persons on maximum shift |
| c. Contractor's Office | 1.00 | per 250 square feet of office floor area, plus |
| | 1.00 | per each 2 persons on maximum shift, plus |
| | 1.00 | per each contractor's vehicle or item of equipment stored outside of the building |

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ARTICLE VIII

AMENDMENT PROCEDURES

SECTION 8.1 - INITIATING AMENDMENTS AND FEE

The Charter Township of Blackman Board may, from time to time, on recommendation from the Planning Commission on its own motion amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendments. Said amendment may be initiated by resolution of the Charter Township of Blackman Board, the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Charter Township of Blackman Board or the Planning Commission, the petitioner requesting an amendment shall at the time of application pay the fee established by resolution of the Charter Township of Blackman Board, no part of which shall be returnable to the petitioner.

SECTION 8.2 - AMENDMENT PROCEDURES Adopted: 06/04/07

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

SECTION 8.3 - TIME ELEMENT BETWEEN ZONING REQUEST

No petition to amend the Zoning Ordinance or effect a district change shall be reconsidered by the Planning Commission after the same has been rejected by the Charter Township of Blackman Board for a period of 365 days from such denial, except those petitions containing new evidence or proof of changed conditions concerning said petition.

SECTION 8.4 - CONFORMANCE TO COURT DECREE

Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Charter Township of Blackman Board and the amendments published without referring the same to any other board agency.

SECTION 8.5 – CONDITIONAL REZONING PROCEDURES Adopted: 05/15/17 (est.)

A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 16i of the Township Zoning Act (MCL125.286i) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.

2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.

3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.

4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.

5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.

7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Planning Commission Review.

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 8.2 of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. Township Board Review.

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 8.2 of this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with

Section 11 of the Township Zoning Act (MCL 125.281), refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

E. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.

2. The Statement of Conditions shall:

a. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.

b. Contain a legal description of the land to which it pertains.

c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.

d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.

e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.

f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.

4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of the County in which the land is located. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.

5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

G. Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

H. Reversion of Zoning.

If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification as set forth in MCL 125.286i. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

I. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.

J. Amendment of Conditions.

1. During the time period for commencement of an approved development or use specified pursuant to Subsection G above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.

2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

K. Township Right to Rezone.

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Township Zoning Act (MCL 125.271 et seq.)

L. Failure to Offer Conditions.

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

ARTICLE V

SUPPLEMENT REGULATIONS

SECTION 5.1 – PURPOSE

It is the purpose of this article of this ordinance to provide regulations and requirements that supplement the provisions contained under the respective district regulations in Article IV, and may or may not apply in all zoning districts.

SECTION 5.2 - SIGN REGULATIONS (Adopted 12/05/94)

5.2.1 Purpose

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

The principal features are the restriction of advertising to the use of the premises on which the sign is located and the restriction 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 principal use of a lot.

5.2.2 Definitions

a. Abandoned Sign:

A sign which no longer advertises or identifies a business, 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 Center:

A group of two 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. **Business Flag:** A marketing device used as a symbol or emblem attachable by one edge to a pole. Business flags shall bear the name or logo of the business.

e. Canopy or Marquee Sign:

Any sign attached to or constructed within or on a canopy or marquee.

f. District:

Zoning District as established by the Charter Township of Blackman Zoning Ordinance.

g. Free Standing Sign:

A sign supported by a structure independent of any other structure.

h. 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.

i. Identification Sign:

A sign which carries only the name of the firm, the major enterprise, or the principal 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 principal product is offered for sale.

j. Off-Site Sign: (Off-Premises Sign)

A sign other than an on-site sign.

k. On-Site Sign: (On-Premises Sign)

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

l. Outdoor Advertising Sign:

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

m. 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, commodity, service, business, profession, or industry, which is located on any land or in any building, in such 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 numbers, or names of occupants of premises.

n. Temporary Sign:

A sign that is intended to be displayed for a limited period of time, as specified in Section 5.2.10 herein.

o. 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 wall.

p. Window Sign:

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

q. Portable Sign:

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

5.2.3 General Sign Regulations

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

a. Illuminated Signs:

1. Residential Districts - Only indirectly illuminated signs shall be allowed in any residential district provided such sign is so shielded as to prevent direct light rays from being visible from a public right-of-way or any adjacent residential property.
2. Commercial, Wholesale-Warehouse, Office, Research Development and Industrial Districts - Indirectly or internally illuminated signs are permitted provided such signs are so shielded as to prevent direct light rays from being visible from a public right-of-way or any adjacent residential property.
3. No sign shall create an appearance of a traffic signal. Nothing contained in this Ordinance shall be construed as preventing use of lights or decorations related to religious and patriotic festivities. Beacon lights or search lights shall not be permitted as a sign for advertising purposes except as provided in Section 5.2.10, Temporary Signs. No sign described in this subsection shall be located closer than ten (10') feet of ground level.
4. All illuminated signs shall comply with the applicable Michigan Electrical Code provisions concerning signs and wiring.

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 forms comprising all of the display area of the sign and including all of the elements of the matter displayed as measured three (3") inches in from the outside border of said geometric form or combination of forms.

c. Height of Sign:

No free standing sign shall exceed a height of thirty-five (35) feet.

d. Setback Requirements for Signs:

All signs shall be set back from the adjacent road by a distance of not less than one-half (1/2) of the setback required for a structure on said parcel as provided for in the setback requirements of this Zoning Ordinance.

e. Business Flags:

Business flags shall be permitted in commercial, office, wholesale, and warehousing, research and development, and industrial zoning districts, subject to the following regulations

1. The flags shall be located on the same lot as the business building or use.
2. Notwithstanding any other provision of this Ordinance, business flags shall meet the yard requirements for signs and the height limits for structures in the zoning district in which located.
3. The area of each business flag shall not be included in the sign area that is permitted on a lot.
4. Not more than one business flag shall be permitted for each public road frontage of the lot on which located.
5. All business flags shall be set back from adjacent roads no less than one-half (1/2) of the minimum setback required for a structure on said parcel as provided for in this Zoning Ordinance.

5.2.4 Signs Permitted In All Districts

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

- a. Off premise signs which bear names, information and emblems of service clubs, places of worship, civic organizations, and public uses shall be permitted. Each sign shall be not more than eight (8) 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 property line. All signs shall be consolidated within a single-frame, if more than one sign is placed at one location.
- b. Signs which direct traffic movement onto or within a property and which do not contain any advertising copy, and which do not exceed eight (8) square feet in area for each sign. Horizontal directional signs, on and flush with paved areas may exceed eight (8) square feet. .
- c. One church, civic organization, public building, or school announcement bulletin shall be permitted on any site that contains a church, civic organization, public building, or school regardless of the district in which it is located, provided said bulletin does not exceed thirty-two (32) square feet in area where the speed limit is forty-five (45) miles per hour or less and sixty (60) square feet in area where the speed limit is forty-six (46) miles per hour or more and a height of twenty-five (25) feet, and is set back from an adjacent

road a minimum of one-half (1/2) of the setback required for a structure on said parcel as provided in this Zoning Ordinance..

5.2.5 Prohibited Signs

a. Miscellaneous Signs and Posters:

Tacking, pasting, or otherwise affixing signs or posters that are visible from a public way, and located on the walls of buildings, barns, sheds, or on trees, poles, posts, or fences shall be prohibited. Warning signs, such as "no trespassing" and "no hunting" and other postings required by law shall be exempt from this provision.

b. Swinging Signs:

Signs that swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment shall be prohibited.

c. Moving Signs:

Any sign or any portion thereof that moves, twirls or has any motion to its parts shall be prohibited. This section shall not be deemed to prohibit a message center with continuing animation or graphics.

d. Parking of Advertising Vehicles:

No person shall park any vehicle or trailer on a public right-of-way, public property, or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the purpose of directing people to a business or activity. Currently licensed vehicles and trailers that have painted upon them in a permanent manner the name of the product which they deliver and/or the name and address of the owner shall be excluded from this provision.

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 prohibited.

f. Signs Within Right of Way:

No sign may be erected within the right of way unless the placement of same is expressly approved by the Jackson County Department of Transportation.

g. Unclassified Signs:

The following signs are prohibited.

1. Signs that 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 Section.
2. Signs that 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 street sign or signal or which obstruct the view in any direction at a street or road intersection.
3. Signs that contain statements, words or pictures of an obscene, pornographic or immoral character.
4. Signs that are painted directly onto a wall or any other part of a building.
5. Signs that are painted on or attached to any fence or any wall that is not a structural part of a building except to identify a residence.
6. Signs that emit audible sound, odor, or visible matter.
7. Roof signs that extend above the peak of the roof.

5.2.6 Permitted Signs in Recreation-Conservation and Agricultural Districts

- a. One sign advertising the type of farm products grown on a farm premises. Such sign shall not exceed twenty-four (24) square feet in area.
- b. One identification sign shall be permitted for each public street frontage having a curb cut for a vehicle entrance, for a school, church building or other authorized use or lawful nonconforming use except a home occupation. Each sign shall not exceed thirty-two (32) square feet in area.
- c. One identification sign shall be permitted for a home occupation. The sign shall not exceed three (3) square feet in area and shall be attached flat against the front wall of the building.

5.2.7 Permitted Signs in Residential Districts

- a. One identification sign shall be permitted for each public street frontage of a subdivision, multiple-family building development, or a mobile home park. Each sign shall not exceed thirty-two (32) square feet in area. One additional sign advertising "For Rent" or "Vacancy" may be placed on each public street frontage of a rental residential development provided that such sign shall not exceed three (3) square feet in area and is incorporated into the identification sign. Each sign shall be set back not less than five (5) feet from the right of-way line of any public street, and shall not exceed four (4) feet in height.
- b. One identification sign shall be permitted for each public street frontage having a driveway for a school, church, public building, or other authorized use or lawful nonconforming use, except home occupations. Each sign shall not exceed thirty two (32) square feet in area and eight (8) feet in height.
- c. One identification sign shall be permitted for a home occupation. The sign shall not exceed three (3) square feet in area and shall be attached flat against the front wall of the building.

5.2.8 Permitted Signs in Commercial, Office and Industrial Districts

On-site canopy or marquee signs, wall signs, and free standing signs are permitted in all commercial, office, and industrial districts subject to the following conditions:

- a. Signs permitted for a single buildings on developed lots or groups of lots developed as one lot, not in a business center subject to Section 5.2.8 (b):
 - 1. Area - Each developed lot shall be permitted at least eighty (80) square feet of sign for all exterior on-site signs. The area of exterior on-site signs permitted for each lot shall be determined as two (2) square feet of sign area for each one (1) linear foot of building length which faces one public street.
 - 2. Number - Each developed lot shall be permitted three (3) exterior onsite signs. For every developed lot that has frontage on two collector or arterial streets, four (4) exterior on-site signs shall be permitted. Only one freestanding identification sign shall be permitted on any street frontage. 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. The total area of all exterior signs shall not exceed the total sign area permitted in Section 5.2.8 (a)(1).
- b. Signs permitted for a shopping center, office park, industrial park, or other integrated group of stores, commercial buildings, office buildings or industrial buildings, not subject to Section 5.2.8 (a):

1. Free Standing Signs: Each business center shall be permitted one free standing identification sign for each frontage on a public street. Each sign shall state only the name of the business center and the tenants located therein. The maximum permitted sign area shall be determined as one (1) square foot for each one (1) linear foot of building which faces one public street. The maximum area for each free-standing sign shall be two hundred (200) square feet. Tenants of a business center shall not permit individual free-standing identification signs.
 2. Wall Signs: Each business in a business center with ground floor frontage shall be permitted one exterior wall sign. The sign 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 businesses without ground floor frontage shall be permitted one combined exterior wall sign not more than twenty-four (24) square feet in area.
 3. Park Signs: A free standing sign, identifying the primary tenants in an office park or an industrial park, may be installed at the entrance(s) to a park. Each parcel in a park will be allowed one (1) available space on a park sign. Each space shall be no larger than eight (8) inches by forty-eight (48) inches. Park signs shall be no higher than six (6) feet above the height of the public road at the point of the centerline most closely adjacent to the sign. No park sign shall be greater than eight (8) feet long. All park signs shall be located no closer to an adjacent road than one-half (1/2) of the minimum setback required for a structure on said parcel as provided in this Zoning Ordinance.
- c. A time and temperature sign shall be permitted in addition to the above permitted signs, 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.
 - d. No canopy or marquee sign shall extend into a public right-of-way except by variance granted by the Zoning Board of Appeals. In granting such a variance the Board of Appeals shall assure that the requirements of Section 7.3 of this Ordinance are complied with; that the minimum clearance of such sign is eight (8) feet measured from the sidewalk surface to the bottom edge of the sign; that the sign does not obstruct pedestrian or vehicular view; and that the sign does not create a hazard for pedestrian or vehicular traffic.
 - e. In addition to the provisions of Section 5.2.8 (a) and (b) preceding, an automobile service station may have one additional sign for each public street frontage having a driveway, 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 street traffic by motorists or pedestrians are not obstructed. Said sign shall not exceed eight (8) square feet in area.

- f. Service Station Signs:- No signs shall be attached to light standards. Signs are permitted on fuel pump canopies in which case the maximum sign size shall be ten (10%) percent of the area of the canopy.

5.2.9 Outdoor Advertising Signs (Off-Site Signs)

Outdoor advertising signs shall be permitted only in accordance with the following regulations:

- a. Outdoor advertising signs shall be permitted only on undeveloped and unimproved lots in agricultural districts on state or federal highways, C-3, I-1, and I-2 districts, and shall be considered the principal use of such lots. Signs shall not be placed on a lot with any other building thereon, and no other structure shall be placed on a lot where such sign is located.
- b. Where two (2) or more outdoor advertising signs are located along the frontage of a street or highway, they shall be not less than one-thousand (1,000) feet apart. A double face (back to back) of 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.
- d. 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 Zoning Administrator if it can be shown that excessive grades, buildings, bridges, and similar conditions obstruct views of the sign.
- e. Outdoor advertising signs shall not be erected on the roof of any building nor have one sign above another.
- f. Outdoor advertising signs shall be allowed to have their copy changed by electronic process provided that each message shall remain static for no less than six (6) seconds and that each change of copy is completed within six (6) seconds or less. Signs of this type may only be located adjacent to State or Federal highways or within C-3, I-1 and I-2 districts.

5.2.10 Temporary Signs

- a. In single-family and two-family districts one sign for each public street frontage advertising a recorded subdivision or development shall be permitted. Each sign shall not exceed sixty-four (64) square feet in area. Each sign shall be removed within four (4) years after it is erected or when eighty (80%) percent of all lots or units within the subdivision or development are sold, whichever occurs first.
- b. In multiple-family districts one sign, not to exceed sixty-four (64) square feet in area shall be permitted on each public street frontage of a new multiple-family development for the purpose of advertising new dwelling units for rent or sale. Each sign shall be removed within sixty (60) days of the initial rental or sale of seventy (70%) percent of the dwelling units within the development.
- c. In all Commercial and Industrial Districts, a sign designed as portable or mobile which is in compliance with Section 5.2.3 may be used on each street frontage. A valid Temporary Sign Permit shall be required for each sign in each location. Permits shall be issued for a maximum of thirty (30) days within a ninety (90) day period upon payment of a fee established by the Charter Township of Blackman. Each sign will further comply with the following:
 - 1. Signs may be illuminated provided, however, such signs shall not contain strobe lights or constitute a safety hazard. In no case shall an electrical cord be run across a parking lot to power such a sign.
 - 2. All signs shall be placed no closer than ten (10) feet to the street right-of-way line.
 - 3. Signs shall not exceed thirty two (32) square feet in area
 - 4. Signs shall not exceed six (6) feet in height measured from the surface of the ground
 - 5. The complete sign unit shall be firmly anchored.
- d. Banners:

Banners, pennants, search lights, sandwich board signs, sidewalk signs, shall be allowed for up to ninety (90) cumulative days within a calendar year and such items shall be prohibited thereafter.
- e. Balloons or Other Inflatable Figures:

Balloons or other inflatable figures not exceeding fifty (50) feet in height shall be allowed for up to ninety (90) cumulative days within a calendar year and such items shall be prohibited thereafter.

- f. One identification sign shall be permitted for all building contractors, one for all professional design firms and one for all lending institutions on sites under construction, each sign not to exceed six (6) 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 join together in one identification sign, such sign shall not exceed thirty-two (32) square feet in area, and not more than one sign shall be permitted on a site. Signs shall have a maximum height of ten (10) feet and shall be confined to the site of the construction, construction shed or construction trailer and shall be removed within fourteen (14) days after the issuance of a certificate of occupancy.
- g. 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 thirty-two (32) square feet. Signs shall be allowed no more than fourteen (14) days in a calendar year. If building mounted, signs shall be flat wall signs and shall not project above the roof line. If ground mounted, signs shall not exceed six (6) feet in height. Signs shall be set back in accordance with Section 5.2.3 (d) of this Ordinance.
- h. Temporary 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 the property line, shall be permitted on approach routes to an open house for forty eight (48) hours in advance and on the day of the open house. Signs shall not exceed three (3) feet in height and may not be placed on any property without the permission of the owner.
- i. In residential districts one (1) temporary real estate "For Sale", "For Rent", or "For Lease" sign, located on the property and not exceeding six (6) square feet in area shall be permitted. In all other zoning districts one (1) sign of this type shall be permitted, provided it does not exceed thirty-two (32) square feet in area and is set back in accordance with Section 5.2.3 (d) of this Ordinance. If the lot has multiple frontages one additional sign not exceeding six (6) square feet in area in residential districts or thirty-two (32) square feet in area in all other districts shall be permitted. Under no circumstances shall more than two (2) such signs be permitted on a lot. Such signs shall be removed within seven (7) days following the sale, rent, or lease. In no case shall a sign advertising the sale, rent, or lease of a building that is not located on the property on which the sign is located, be permitted.

5.2.11 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 performance of a public duty, such as directional signs, regulatory signs, warning signs, and informational signs
- b. Political campaign signs shall be removed no later than five (5) days following the election or primary.
- c. Names of buildings, date of erection, monument citations, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of other permanent type construction and made an integral part of the structure.
- d. Garage sale, yard sale, or other temporary sale signs where less than six (6) square feet in area and displayed on the owner's premises or on other premises with permission for a period of not more than seventy-two (72) continuous hours.
- e. A violation of the Section shall result in summary removal of the signs by the Charter Township of Blackman in accordance with Section 5.2.15(a)

5.2.12 Nonconforming Signs

Every permanent sign which does not conform to the height, size, area, or location requirements of this section as of the date of the adoption of the Ordinance from which this Section is derived, is hereby deemed to be nonconforming.

- a. Nonconforming signs shall not be altered, expanded, enlarged, or extended; provided, however, that nothing in this article shall prohibit the repair of a lawful nonconforming sign or outdoor advertising structure, provided that such repair does not exceed an aggregate cost of fifty (50%) percent of the appraised replacement cost thereof as determined by the Building Inspector. The repaired sign shall be no greater in size, height, or any panel dimension than the existing sign.
- b. Outdoor advertising signs that are non-conforming solely because of their proximity to other outdoor advertising signs shall be permitted to be repaired or replaced. The repaired or replaced sign shall be no greater in size, height, or any panel dimension than the existing sign.

- c. For purposes of this Section, a nonconforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of nonconforming sign use.
- d. Any non-conforming sign which for a period of ninety (90) days or more no longer advertises a bona fide business conducted, service performed, or product sold, shall be removed by the owner of the building, structure, or property upon which such sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator

5.2.13 Permits and Fees

- a. A permit shall be required to erect or replace a sign that is regulated by Section 5.2.4 and 5.2.6 through 5.2.10 (c herein. The application shall be made by the owner of the property, or authorized agent thereof, to the Township Zoning Administrator, by submitting the required forms, fees, exhibits and information. Fees for sign permits shall be established by resolution of the Township Board.
- b. An application for a sign permit shall contain the following:
 - 1. The applicant's name and address in full, and a complete description of the relationship to the property owner.
 - 2. If the applicant is not the property owner, the signature of the property owner concurring in submittal of the application.
 - 3. The address of the 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 drawing of the sign, including all dimensions and the area in square feet.
- c. All signs shall be inspected by the Township Zoning Inspector for conformance to this Ordinance prior to placement on the site
- 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 (30) days upon request by the applicant and approval of the Zoning Administrator.

- 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.
- f. Signs for which a permit is required shall be inspected periodically by the Building Inspector for the compliance with this Ordinance and other codes, requirements and laws of the Charter Township of Blackman, including but not limited to the Michigan Electrical Code, State Construction Code, and Michigan Mechanical Code.

5.2.14 Removal of Signs

- a. All signs erected as exempt signs under Section 5.2.11(d) shall be removed by the Charter Township of Blackman without notice should the sign remain displayed for more than seventy two (72) continuous hours.
- b. The Zoning Administrator shall order the removal of any sign erected or maintained in violation of this Ordinance except for legal nonconforming signs. Thirty (30) days notice in writing shall be given to the owner of such sign or of the building, structure, or premises on which said sign is located to remove the sign or to comply with this Ordinance. The Township may after thirty (30) days notice remove the sign. The Township shall also remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any cost of removal incurred by the Township shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes and such charge will be a lien on the property.
- c. A sign shall be removed by the owner or lessee of the premises upon which the sign is located within thirty (30) days after the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Township shall remove it in accordance with the provisions stated in Section 5.2.14 (b) preceding. These removal provisions shall not apply where a subsequent owner or lessee conducts the same type of business and agrees to maintain the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this Ordinance.

5.2.15 Effective Date

This Ordinance shall replace the existing Article V Supplemental Regulations Section 5.2 in its entirety and shall take effect thirty (30) days from the date of final adoption. All existing permits issued under the previous Ordinance are hereby declared valid until they expire.

SECTION 5.26 – SOLAR ENERGY SYSTEMS

(Adopted 3/18/19)

A. Purpose and Intent

Blackman Charter Township determines that it is in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts in a safe and efficient manner that is subject to reasonable conditions that will limit adverse impact on nearby properties, environment, and rural character of the region. The Township resolves that the following regulation and standards shall be adopted to ensure that solar energy systems can be constructed within Blackman Charter Township while protecting public health, safety, and natural resources.

B. Criteria for the Use of All Solar Energy Equipment

1. Solar energy equipment shall be located in the least visibly obtrusive location where panels would be functional.
2. Solar energy equipment shall be repaired or replaced within three (3) months of becoming nonfunctional.
3. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).

5.26.1 – Definitions

A. Accessory Solar Energy System: A small solar energy system which is roof, or building mounted, or architecturally-integrated, or ground mounted panels which are located on a lot or parcel with a principal use such as residence or business designed to supply energy for onsite residential or business use; excess energy produced may be sold back to the grid through net metering or commercial use to generate energy to offset utility costs or as an additional revenue stream. A small solar energy system generates up to but not exceeding 20kW, and can occupy, in total, no more than five (5) acres.

B. Community Solar Energy System (CSES) (also called "Solar Garden"): A large scale facility that converts sunlight into electricity by photovoltaics (PV) array, for the primary purpose of providing retail electric power (or financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system. Roof or ground-mounted CSES or Solar Gardens are designed to supply energy for off-site users on the distribution grid. A large scale CSES or Solar Garden system exceeds 20kW, and can occupy, in total, more than five (5) acres.

C. Solar Farm: A large scale facility that converts sunlight into electricity by photovoltaics (PV) array, for the primary purpose of wholesale sales of generated electricity to the electric transmission grid. A roof or ground-mounted solar farm is the primary land use for the parcel on which it is located. A large scale solar energy system exceeds 20kW, and can occupy, in total, more than five (5) acres.

D. Solar Collection Panels: Panels and tiles comprised of semiconductor devices and typically referred to as photovoltaic cells, which collect and convert solar energy directly into electricity or solar thermal panels that convert solar energy indirectly to heat a fluid, and can also power solar cooling systems.

5.26.2 - Permitted Use Standards for Accessory Solar Systems

Accessory Solar Energy Systems are a small solar energy system designed and used as an accessory use to serve the needs of a home, farm, or small business (on-site usage). Accessory Solar Energy Systems are Permitted Uses in all zoning districts, reviewed by the Zoning Administrator, and subject to the following standards:

A. Property Set-Backs: Projects shall follow the district's applicable setbacks of the property's principal use. Ground mounted panel systems shall not be located within a FEMA floodplain or designated wetlands, within forty (40) feet of a riparian shoreline, and/or within three hundred (300) feet of governmental and/or nongovernmental wildlife management areas and scenic trail corridors.

B. Construction Standards: The owner(s) and/or operator(s) shall submit a site plan and obtain all necessary permits from the Township, and other applicable government agencies.

1. An Accessory Solar Energy System may not occupy more than five (5%) percent of the property or up to five (5) acres, whichever is less.
2. All electrical interconnection and distribution lines within the project boundary shall be underground, unless determined otherwise by the planning commission because of severe environmental constraints (e.g. wetlands, hard bedrock), except for wiring between panels in a single solar array, and except for power lines that leave the project or are within the substation. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.
3. Plans shall be provided to the Public Safety Department for review of potential hazards/issues.
4. Height of ground mounted panels shall not exceed fourteen (14) feet.

C. Nuisances: Accessory Solar Energy Systems shall not produce glare that is a nuisance to occupants of neighboring properties, or persons traveling neighboring roads, or air routes. Noise produced from Solar Energy Systems shall not exceed 5 dB above ambient sound levels as measured at the property line. Adequate setbacks shall be provided to comply with these limitations.

5.26.3 - Conditional Use Standards for CSES/Solar Garden, or Solar Farm

Community Solar Energy System, Solar Garden, or Solar Farms are large solar energy systems designed with the primary use of generating electricity to the electric transmission grid. Community Solar Energy System, Solar Garden, or Solar Farms are Conditional Uses in all

agricultural, commercial, and industrial zoning districts (excludes residential and office districts), reviewed by the planning commission, and subject to the following standards:

- A. **Process:** Large solar energy system projects shall require prior to construction approval, a site assessment study conducted by a private company independent of the project applicant(s) and/or property owner to determine feasibility, including the project's description identifying the size, rated power output, project life, development phases, likely market for the generated energy; visual impact using renditions or photos; analysis of onsite traffic; environmental analysis including soils, wetlands, surface water, woodlots, historical features, review of potential impacts on wildlife, corridor preservation at the site, and mitigation measures.

- B. **Nuisances:** Large solar energy system projects shall not produce glare that is a nuisance to occupants of neighboring properties or persons traveling neighboring roads, or air routes. Noise produced from large solar energy systems shall not exceed 5dBA above ambient sound levels as measured at the property line. Adequate setbacks shall be provided to comply with these limitations.

- C. **Property Set-Backs:** Set-Backs shall follow the district's applicable setbacks of the property's principal use. Ground mounted panel systems shall not be located within a FEMA floodplain or designated wetlands, within forty (40) feet of a riparian shoreline, within one hundred fifty (150) of a residential district, and/or within three hundred (300) feet of governmental and/or nongovernmental wildlife management areas, parks, and scenic trail corridors.

- D. **Construction Standards:** Project applicant(s) shall submit a site plan, and obtain all pertinent permits from the Township and other applicable government agencies.
 - 1. The maximum property coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the property are subject to the maximum lot coverage restrictions of the district.

 - 2. All electrical interconnection and distribution lines within the project boundary shall be underground, unless determined otherwise by the planning commission because of severe environmental constraints (e.g. wetlands, hard bedrock), except for wiring between panels in a single solar array, and except for power lines that leave the project or are within the substation. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.

 - 3. Lighting at the facility must be shielded to prevent atmospheric light pollution. Light pole(s) shall not exceed eighteen (18) feet.

- E. **Height:** Ground mounted photovoltaic solar panel arrays shall not exceed fourteen (14) feet.

- F. **Landscaping:** Ground mounted photovoltaic solar panel arrays shall be screened from view along road and adjacent residences. The Planning Commission may alter the landscaping requirement depending upon the location and existing plant material on the site.

- G. **Safety/Access:** Perimeter security fencing is required around the Solar Energy facility and

all electrical equipment. Keys or code access shall be provided for emergency personnel.

1. Owner(s) and/or operator(s) shall identify emergency and normal shutdown procedures.
2. Owner(s) and/or operator(s) shall identify potential hazards including solid and hazardous waste, generated by the project to adjacent properties, roadways, and to the community in general.
3. Plans shall be provided to the Public Safety Department for review of potential hazards/issues.

H. Telecommunications Interference: Owner(s) and/or operator(s) shall identify electromagnetic fields and communications interference generated by the project. Adequate setbacks shall be provided to mitigate the interference.

I. Utilities Interconnection: No grid-connected photovoltaic system shall be installed until the owner(s) and/or operator(s) submit a completed interconnection agreement with the electric utility in whose service territory the large solar energy system is located.

J. Project Life and Final Reclamation: The owner(s) and/or operator(s) shall submit a decommissioning plan for ground-mounted photovoltaic systems to ensure that the owner(s) and/or operator(s) properly remove the equipment and facilities upon the end of the project life or in the event they are not in use for twelve (12) consecutive months. The plan must show a completion date not to exceed eighteen (18) months, and shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation and a soundly-based plan ensuring financial resources will be available to fully decommission the site. The Township may require the owner(s) and/or operator(s) to post a bond, letter of credit or establish an escrow account to ensure property decommissioning.

K. Planning Commission Review: Due to the ever changing technical capabilities of photovoltaic solar panels and of new technology in general, the Planning Commission shall have the authority to review and consider alternatives in both dimensional requirements as well as physical development requirements found within the Solar Energy Systems Ordinance.

5.26.4 - Effective Date:

This ordinance shall take effect upon publication following its adoption.