

**PARMA TOWNSHIP
JACKSON COUNTY, MICHIGAN
ZONING ORDINANCE AMENDMENT
ORDINANCE NO. 2018-15**

At a ^{Special} regular meeting of the Township Board of Parma Township, Jackson County, Michigan, held at the Parma Township Hall on Dec 27, 2018, at 12:00 p.m., Township Board Member Chamberlain moved to adopt the following ordinance, which motion was seconded by Township Board Member Deemyer:

An Ordinance to amend the Parma Township Zoning Ordinance, as amended, to clarify the requirements for Large Gatherings.

PARMA ~~TOWNSHIP~~ TOWNSHIP, JACKSON COUNTY, MICHIGAN, ORDAINS:

SECTION 1. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.16:
Zoning Ordinance Article VIII, Section 8.16, is amended to read as follows:

Section 8.16 LARGE GATHERINGS. Large Gatherings include events such as circuses, carnivals, theatrical exhibitions, public shows, festivals, concerts, weddings, and other similar forms of entertainment, amusement, or exhibitions, outdoor gatherings, or assemblies which attracts in excess of fifty (50) persons, as well as any gathering or assembly that would require a rally permit or a temporary campground license. Large Gatherings do not include regular church functions conducted on church property, regular school functions held on school grounds, or governmental functions. Large Gatherings shall require a permit, applied for and obtained as hereinafter described, for each such gathering or assembly.

SECTION 2. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.16.1:
Zoning Ordinance, Article VII, Section 8.16.1 is amended to read as follows:

8.16.1 Application for Permit

- A. Application for a permit to conduct a Large Gathering shall be made in writing on forms provided by the Parma Township Clerk at least sixty (60) days prior to the date of the proposed gathering or assembly. Each application shall include the following information:
1. The name, age, residence and mailing address of the person making the application. Where the person making the application is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors, or members. Where the person is a corporation, a copy of the article of incorporation shall be filed, and the names and addresses shall be provided of all shareholders having financial interest greater than \$500.
 2. A statement of the kind, character, and type of the proposed Large Gathering.
 3. The address, legal description and proof of ownership of the site which the proposed Large Gathering is to be conducted. Where ownership is not vested in the prospective applicant, he or she shall submit an affidavit from the owner indicating his or her consent to the use of the site for the proposed Large Gathering.

4. The date or dates and hours during which the proposed Large Gathering is to be conducted. If substantially similar events are scheduled to take place at the same location on multiple dates within 60 days of a prior event, the Township Board may, at its sole discretion, allow a single application to be used to obtain a permit for more than one event in a single calendar year.
5. An estimate of the maximum number of attendants expected at the Large Gathering for each day it is conducted and a detailed explanation of the evidence of admission which will be used and of the sequential numbering or other method which will be used for accounting purposes.
6. A detailed explanation, including drawings and diagrams where applicable, of the plan to provide for the following:
 - a. Police and fire protection, as well as security to be provided while the event is operational.
 - b. Food and water supply and facilities.
 - c. Whether alcoholic beverages will be provided and served, and, if so, whether proper licenses have been obtained regarding the same
 - d. Health and sanitation facilities, including the type, location of, and frequency of trash or garbage disposal.
 - e. Medical facilities and services, including emergency vehicles and equipment.
 - f. Potential traffic concerns, including a description of the volume and frequency of increased traffic, and, if alcoholic beverages are to be served at the event, how the prospective applicant will prevent drunk driving.
 - g. Vehicle access and parking facilities.
 - h. Camping and trailer facilities.
 - i. Duration of the Large Gathering
 - j. Security to be provided while a Large Gathering is occurring, including plans that ensure events shall end on a timely and consistent basis;
 - k. Illumination facilities.
 - l. Communications facilities.
 - m. Noise control and abatement.

In addition, the application shall be accompanied by a map or maps of the overall site of the proposed Large Gathering.

- B. Upon receipt of an application for a Large Gathering, the Clerk shall forward copies of the application to the Parma Township Police, Jackson County Health Department, the Parma

Township Building Inspector, and other appropriate public officials as the Clerk deems necessary. The Clerk shall also forward copies of the application to the Parma Township Board. Such officers and officials shall review and investigate matters relevant to the application and within twenty (20) days of receipt thereof, shall report their findings and recommendations in writing to the Parma Township Board.

SECTION 3. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.16.2, SUBSECTION (C)(5): Zoning Ordinance, Article VII, Section 8.16.2, Subsection (C)(5) is amended to read as follows:

5. Medical Facilities. If a Large Gathering is not readily and quickly accessible to adequate existing medical facilities, the applicant may be required to provide such facilities on the premises of the gathering or assembly. The kind, location, staff strength, medical, and other supplies and equipment of such facilities shall be as prescribed by the Jackson County Health Department.

SECTION 4. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.16.2, SUBSECTION (C)(10): Zoning Ordinance, Article VII, Section 8.16.2, Subsection (C)(10) is amended to read as follows:

10. Parking. All parking must be located on site not less than one hundred (100') feet from any property line and not less than two hundred (200') from any neighboring residence existing at the time the use is approved. There shall be sufficient on-site parking provided to accommodate all vehicles related to the events with no on-street parking or parking on a neighboring parcel without the written permission of the owner and occupant of that parcel, but in no case shall the applicant provide less than one automobile space for every four (4) attendants. All parking areas shall be clearly marked and shall be adequate to satisfy the volume of anticipated or actual use. Dust and drainage from the parking area shall not create a nuisance or hazard to adjoining property or uses. Parking shall not be within any recorded conservation easement.

SECTION 5. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.16.2, SUBSECTION (C)(12): Zoning Ordinance, Article VII, Section 8.16.2, Subsection (C)(12) is amended to read as follows:

12. Illumination. The applicant shall provide electrical illumination of all occupied areas sufficient to insure the safety and comfort of all attendants. The applicant's lighting plan shall be approved by the building inspector, and must include specific measures to prevent light from interfering with the use or enjoyment of neighboring properties.

SECTION 6. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.16.2, SUBSECTION (C)(13): Zoning Ordinance, Article VII, Section 8.16.2, Subsection (C)(13) is amended to read as follows:

13. Insurance. Before the issuance of a permit, the applicant shall obtain public liability insurance with limits of not less than \$500,000.00 and property damage insurance with a limit of not less than \$250,000.00 from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure liability for death or injury to persons or damage to property which may result from the conduct of the Gathering or conduct incident thereto. Such insurance shall remain in full force and

effect in the specified amounts for the duration of the permit. The evidence of insurance shall include an endorsement requiring the insurance company to notify the Clerk of Parma Township in writing at least 10 days before the expiration or cancellation of such insurance. The insurance required by this section shall name Parma Township as an additional insured. A certificate of insurance shall not be adequate to satisfy the requirements of this Subsection; a copy of the policy or policies meeting the requirements of this Subsection shall be required.

SECTION 7. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.16.2, SUBSECTION (C)(15): Zoning Ordinance, Article VII, Section 8.16.2, Subsection (C)(15) is amended to read as follows:

15. Fire Protection. The applicant shall, at his or her own expense, take adequate steps to insure fire protection, as determined by the state fire marshal. Applicant must demonstrate, via specific written plans approved by the Township, that all structures related to a Large Gathering are structurally safe and adequately protected against the risk of fire. The maximum occupancy of all such structures shall be included in any application for a Large Gathering.

SECTION 8. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.16.2, SUBSECTION (C)(16): Zoning Ordinance, Article VII, Section 8.16.2, Subsection (C)(16) is amended to read as follows:

16. Fencing. The applicant shall erect a fence completely enclosing the site, of sufficient height and strength as will preclude persons in excess of the maximum permissible attendants from gaining access and which shall have sufficient gates properly located so as to provide ready and safe ingress and egress. Sight and sound barriers such as walls, berms and/or vegetation screens may be required in order to minimize impacts to neighboring properties.

SECTION 9. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.16.2, SUBSECTION (C)(18): Zoning Ordinance, Article VII, Section 8.16.2, Subsection (C)(18) is amended to read as follows:

18. Setbacks. All Large Gatherings shall be located on site not less than one hundred (100') feet from any property line and not less than two hundred (200') from any neighboring residence existing at the time the use is approved.

SECTION 10. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.16.2, SUBSECTION (C)(19): Zoning Ordinance, Article VII, Section 8.16.2, is amended to add the new Subsection (C)(19), which shall read as follows:

19. Indemnification. Applicant shall provide a notarized written statement, satisfactory to the Township, indemnifying and holding the Township and its personnel harmless for any loss, damage, personal injury, or other liability associated with a Large Gathering. This statement shall include a provision agreeing to pay any attorney's fees the Township incurs in defending itself in a suit related to a Large Gathering occurring on the relevant property or the activities occurring as part of such events, including if such a suit is filed challenging the approval of a permit authorized by the Section.

SECTION 11. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.16.2, SUBSECTION (C)(20): Zoning Ordinance, Article VII, Section 8.16.2, is amended to add the new Subsection (C)(20), which shall read as follows:

20. Alcohol Service. If alcohol is made available on the premises, it shall be delivered on through individuals/entities properly licensed to dispense alcohol pursuant to Act 58 of 1998, as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable federal, state or local law.

SECTION 12. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.16.2, SUBSECTION (C)(21): Zoning Ordinance, Article VII, Section 8.16.2, is amended to add the new Subsection (C)(21), which shall read as follows:

21. Miscellaneous. Prior to the issuance of a permit, the Township Board may impose any other condition(s) reasonably calculated to protect the health, safety, welfare and property of attendants or of citizens of the Township of Parma.

SECTION 13. SEVERABILITY: The provisions of this Ordinance are hereby declared to be severable and if any provision, section or part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provisions, section or part involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.

SECTION 14. EFFECTIVE DATE: This Ordinance shall become effective seven (7) days after its publication following final adoption or as required by law.

SECTION 15. REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Following its introduction and ~~publication prior to final adoption~~, the above Ordinance was offered for final adoption by Chamberlain and was supported by Deemyer at a regular meeting of the Parma Township Board, held at the Parma Township Hall on the ~~27~~ day of Dec, 2018, at 12:00 p.m., the vote being: 27

YEAS: Chamberlain, Deemyer, Spangler, Motney, Engelter

NAYS: none

ABSENT/ABSTAIN: none

ORDINANCE DECLARED ADOPTED.

Wendy Chamberlain

Wendy Chamberlain, Township Supervisor

PARMA TOWNSHIP
WIND PARK/WECS ZONING ORDINANCE AMENDMENT

ORDINANCE NO. 18-12

An Ordinance to amend the Parma Township Zoning Ordinance to establish standards and regulations applying to wind energy conversion systems and wind parks within the Township.

PARMA TOWNSHIP, JACKSON COUNTY, MICHIGAN, ORDAINS:

SECTION 1. AMENDMENT TO ZONING ORDINANCE ARTICLE II, SECTION 2.7: Zoning Ordinance Article II, Section 2.7, is amended to add definitions for the following terms, and shall read as follows:

Section 2.7

2.7.1 WECS Height: The distance between the ground (at a normal grade) and the highest point of the WECS, as measured from the ground (at a normal grade), plus the length by which the rotor blade on a horizontal mounted WECS exceeds the structure which supports the rotor and blades (normally, the tower). Or put another way, the distance between the ground (at a normal grade) and highest point of the WECS (being the tip of the blade, when the blade in the full vertical position).

2.7.2 Wind Energy Conversion System (WECS): A wind-powered device for the generation of energy, commonly referred to as a wind generating tower, windmill, or wind-powered generator, consisting of a combination of:

- a. The surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical generating powers; and
- b. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
- c. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
- d. The tower, pylon or other structure upon which any, all, or some combination of the above are mounted.

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

2.7.3 Wind Park: One or more WECS placed upon one or more contiguous lots or parcels with the intent to sell or provide electricity to a utility or transmission company. Although the WECS within a Wind Park may or may not be owned by the owner of the property or properties within the Wind Park, the Wind Park shall consist of all the contiguous lots and parcels located within the Township that are in whole or in part within a radius of 2,640 feet from the bases of any and all WECS within the Wind Park, unless the Planning Commission expressly provides the permit for

the conditional use that the applicant may use a smaller radius or that any properties may be excluded from the Wind Park. If the Planning Commission permits any properties within the approved radius to be excluded from the Wind Park, then such properties shall be treated for all purposes as outside the Wind Park under this Ordinance.

2.7.4 Single WECS for On-Site Service Only: A single WECS placed upon a lot or parcel with the intent to service the energy needs of or supplement other energy sources for only that lot or parcel upon which the single WECS is placed.

SECTION 2. AMENDMENT TO ZONING ORDINANCE ARTICLE IV, SECTION 4.1(C): Zoning Ordinance Article IV, Section 4.1(C), entitled “Conditional Uses,” is amended to add “Wind Parks” and “Single WECS for On-Site Service Only” as conditional uses, and shall read as follows:

Conditional Uses

1. Airports.
2. Cemeteries.
3. Country Clubs; public swimming pools; recreation centers; and parks, play-grounds, and play fields.
4. Commercial Medical Marihuana Facilities.
5. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.
6. Extraction of raw materials and aggregate.
7. Facilities used for the centralized bulk collection, storage, and distribution of agricultural products to wholesale and retail markets.
8. Facilities used in the research and testing of agricultural products and techniques.
9. Facilities used to provide veterinarian services for livestock.
10. Feedlots or concentrate animal-feeding industrial units. (See Article II, Section 2.1.25, Definitions and also Article VI, conditional Uses, Section 6.7(M)).
11. Golf courses, but not including golf driving ranges.
12. Group or organized camps, camping grounds, and resorts.
13. Hospitals and medical clinics.
14. Large Solar Energy Systems.
15. Mobile homes (14') in accordance with Section 8.7 of this ordinance.
16. Planned-unit residential developments.
17. Production of methane and alcohol.
18. Public and private nursery; primary and secondary non-profit schools.
19. Sale and service of machinery used in agricultural production.
20. Sanitary landfill.

21. Places of Assembly.
22. Storage for sale of seed, feed, fertilizer, fuels and other products essential to agricultural production.
23. Single WECS for On-Site Service Only
24. Travel trailer parks.
25. Wind Parks

SECTION 3. AMENDMENT TO ZONING ORDINANCE ARTICLE IV, SECTION 4.2(C): Zoning Ordinance Article IV, Section 4.2(C), entitled "Conditional Uses," is amended to add "Single WECS for On-Site Service Only" as a conditional use, and shall read as follows:

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article VI:

1. Places of Assembly.
2. Country clubs, public swimming pools, recreation clubs, and public and private parks and playgrounds.
3. Golf courses, but not including golf driving ranges.
4. Government- or community owned buildings.
5. Home occupations in accordance with Article VIII, Section 8.9.
6. Public and private nurseries, primary, and secondary non-profit schools.
7. Single WECS for On-Site Service Only.
8. Two-family dwellings.

SECTION 4. AMENDMENT TO ZONING ORDINANCE ARTICLE IV, SECTION 4.3(C): Zoning Ordinance Article IV, Section 4.3(C), entitled "Conditional Uses," is amended to add "Single WECS for On-Site Service Only" as a conditional use, and shall read as follows:

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article VI:

1. Automobile repair garages.
2. Automobile service stations.
3. Drive-in theaters.
4. Establishments serving alcoholic beverages and/or providing entertainment, excluding Sexually Oriented Businesses.
5. Funeral establishments or mortuaries.
6. Places of Assembly.
7. Motels or Hotels.
8. Open-air display areas for the sale of manufactured products such as, or similar to, garden

furniture, earthenware, hardware items, and nursery stock; or, the rental of manufactured products or equipment, such as household equipment, small tools, two-wheeled and four-wheeled utility trailers, pneumatic-tired cement mixers, wheelbarrows, rollers, and similar products or equipment.

9. Outdoor commercial amusements
10. Single WECS for On-Site Service Only
11. Veterinary Clinics

SECTION 5. AMENDMENT TO ZONING ORDINANCE ARTICLE IV, SECTION 4.4(C): Zoning Ordinance Article IV, Section 4.4(C), entitled “Conditional Uses,” is amended to add “Single WECS for On-Site Service Only” as a conditional use, and shall read as follows:

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article VI:

1. Drive-in theaters.
2. Establishments serving alcoholic beverages and/or providing entertainment, including Sexually Oriented Businesses (subject to conditions in Articles VI, VII, and VIII).
3. Hospitals.
4. Outdoor commercial amusements.
5. Places of Assembly.
6. Sexually Oriented Businesses (subject to conditions in Articles VI, VII, and VIII).
7. Single WECS for On-Site Service Only.

SECTION 6. AMENDMENT TO ZONING ORDINANCE ARTICLE IV, SECTION 4.5(C): Zoning Ordinance Article IV, Section 4.5(C), entitled “Conditional Uses,” is amended to add “Single WECS for On-Site Service Only” as a conditional use, and shall read as follows:

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article VI:

1. Bulk fuel storage.
2. Bus, truck, taxi, and rail terminals.
3. Places of Assembly.
4. Junk Yards.
5. Restaurants.
6. Sanitary landfill.
7. Single WECS for On-Site Service Only.
8. Trucking and cartage facilities, including repair facilities, and washing facilities and equipment, and storage yards.

SECTION 7. AMENDMENT TO ZONING ORDINANCE ARTICLE IV, SECTION 4.6(C): Zoning Ordinance Article IV, Section 4.6(C), entitled “Conditional Uses,” is amended to add “Single WECS for On-Site Service Only” as a conditional use, and shall read as follows:

Permitted Uses

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use.
2. Places of Assembly.
3. Single WECS for On-Site Service Only.

SECTION 8. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.20: Zoning Ordinance, Article VIII, is amended to add the following new Subsection:

8.20 Wind Parks.

- a. Purpose: The purpose of this Section is to establish standards for the siting, installation, operation, and removal or repair of Wind Parks within the A-1 District as a conditional use.
- b. Applicability: Wind Parks may be allowed as a conditional use only within the A-1 District, subject to the regulations and requirements of this Section and the general conditional use procedures, standards and criteria.
- c. Application; Signatures: The application for conditional use for a Wind Park shall be submitted on a form prepared for that purpose by the Township, and shall demonstrate the support in writing of each and every legal and equitable owner of each lot or parcel within the Township that is located in whole or in part within the Wind Park. If any owners of property within the Township that is proposed to be within the Wind Park do not support the application, the application shall identify those owners by name, address and telephone number, and a copy of the last offer the applicant made to that owner. If no offer was made to the owner, a copy of any and all communications between the applicant and the owner shall be submitted to the Planning Commission. The Planning Commission shall investigate the basis for each owner’s objections. The record of the investigation shall be made a part of the record in the consideration of the conditional use proceedings and the Planning Commission shall give due consideration to the basis for the objections in determining whether to permit any properties to be excluded from the Wind Park.
- d. Submission Requirements: The applicant shall submit eight (8) copies of the application and all supporting materials to the Township Zoning Administrator. The Zoning Administrator will cause the application to be placed on the Planning Commission’s next regular meeting agenda.
- e. Site Plan Drawing and Supporting Materials: All applications for a Wind Park conditional use must be accompanied by a detailed Site Plan, drawn to scale and dimensioned, and certified by a registered engineer licensed in the State of Michigan, displaying the following information:

1. All requirements for a site plan contained in the Township's Zoning Ordinance.
2. All lot lines and dimensions, including a legal description of each lot or parcel within the Wind Park.
3. Names of owners of each lot or parcel within the Township that is proposed to be within the Wind Park.
4. Location and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and all above ground structures associated with each WECS
5. Location and height of all buildings, structures, and above ground utilities located or proposed within the Wind Park.
6. Specific distances to all onsite buildings, structures, and utilities shall be provided.
7. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Wind Park, as well as within 1,000 feet of the outside perimeter of the Wind Park.
8. Proposed setbacks between each WECS and from each WECS to all existing and proposed structures within the Wind Park.
9. Land elevations at each proposed WECS location and its relationship to the land elevations of all existing and proposed structures within the Wind Park.
10. Access driveways to each WECS, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access driveways shall be subject to Jackson County Department of Transportation approval, and the use of the drives shall be planned so as to minimize the use of lands for that purpose.
11. The location of all farmland within the Wind Park that is designated for preservation, a written description of the plan for preservation of farmland within the Wind Park, and copies of all easements, restrictive covenants and other documents proposed to be used to achieve that plan.
12. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers, during the construction, operation, removal, remodeling or repair of the WECS.
13. A written description of the maintenance program to be used to maintain each WECS, including removal when determined to be obsolete or abandoned. The description shall include maintenance schedules, the types of maintenance to be performed, and removal procedures and schedules should the WECS become obsolete or abandoned.
14. A copy of the manufacturer's safety measures to prevent uncontrolled rotation or over speeding.
15. Planned lighting protection measures.

16. Additional detail(s) and information as required by the conditional use requirements of the Zoning Ordinance, or as requested by the Planning Commission.

- f. Construction Codes, Towers & Interconnection Standards: Each WECS shall comply with all applicable state construction codes, as well as Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and local jurisdiction airport overlay zone regulations. The tower shaft shall not be illuminated unless required by the FAA. Each WECS shall comply with the applicable utility, Michigan Public Service Commission and Federal Energy Regulatory Commission interconnection standards.
- g. Farmland Preservation: Farmland located within the Wind Park that is not designated as an immediate location of any WECS and WECS accessory structures is encouraged to be preserved for agricultural uses and purposes through the execution and recording of appropriate farmland easements, restrictive covenants, or other documents approved by the Planning Commission. Although such preservation measures are not required, they will be favorably considered by the Planning Commission in the review of a conditional use application under this Section.
- h. Design Standards:
 - 1. Height: The permitted maximum total height of each WECS (i.e., WECS height) shall be 430 feet including the blade in vertical position.
 - a. State and federal regulations may require a lesser height.
 - b. As a condition of approval, the Township may require a lesser height for WECS if it is determined that it is reasonably necessary.
 - c. Each WECS shall be constructed with a tubular tower, not a lattice tower.
 - d. The Planning Commission may approve a WECS height greater than 430 feet if the applicant clearly demonstrates that such greater height would be in the interest of persons and properties surrounding the Wind Park.
 - 2. Setbacks: No part of a WECS (including guy wire anchors) shall be located closer than 150% of the WECS height to any habitable structure and no closer than 100% of the WECS height to any road or utility.
 - 3. Isolation: No WECS shall be located closer than 2,640 feet from the base of the WECS to any point outside the Wind Park within the Township, unless the Planning Commission otherwise expressly provides in the permit for the conditional use. If the applicant seeks approval of an isolation distance less than 2,640 feet, the applicant shall be required to demonstrate to the Planning Commission with clear and convincing evidence and state-of-the-art modeling, monitoring and measurement techniques that the proposed WECS will have no material adverse effects on any residences, businesses, schools, churches or other places of human habitation within the requested isolation distance from the WECS, as determined by a licensed qualified professional. Such evidence shall include, at a minimum, baseline readings, using state-of-the-art noise modeling data demonstrating that the anticipated noise generated

by the WECS will not increase the existing noise levels above a maximum of fifty (50) decibels on the dBA scale at any of those representative residences, as determined in the conditional use permit. As a condition of approval for any such lesser isolation distance, the applicant shall also post a performance guarantee in an amount fixed by the Planning Commission to assure that the WECS when installed will not have any material adverse effects on any residences, businesses, schools, churches or other places of human habitation within the requested isolation distance from the WECS, as determined by a licensed qualified professional.

4. Rotor or Blade Clearance: Blade arcs created by a WECS shall have a minimum of seventy-five (75) feet of clearance over and from any structure, adjoining property or tree. The minimum blade or rotor clearance above ground level shall be at least seventy-five (75) feet.
5. Rotor or Blade Safety: Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80% of design limits of the braking system.
6. Tower Access: To prevent unauthorized climbing, WECS must comply with at least one of the following provisions:
 - a. External tower climbing apparatus shall not be located within twelve (12) feet of the ground.
 - b. A locked anti-climb device shall be installed and maintained
 - c. A tower capable of being climbed externally shall be enclosed by a locked protective fence at least ten (10) feet high with barbed wire fence.
7. Signs: Each WECS shall have one sign, not to exceed two (2) square feet in area, posted at the base of the tower. The sign shall contain at least the following:
 - a. Warning: High Voltage.
 - b. Warning: Falling Ice.
 - c. Manufacturer's name.
 - d. Emergency numbers (list more than one number).
 - e. FAA regulated sign with precise description with latitude and longitude and shall also contain both the applicant's current telephone number and the current telephone number for the FAA's regional office having jurisdiction over the Township.
 - f. If fenced, place signs on the fence.
8. Lighting: A lighting plan for each WECS shall be approved by the Planning Commission. Such plans must describe all lighting that will be utilized, including any lighting that may be required by the FAA. Such a plan shall include but is not limited to the planned number and location of lights, light color and whether any lights will be

flashing. All tower lighting will comply with FAA regulations and guidance and shall be consistent with the USFWS/MDNR guidelines.

9. Electromagnetic Interference: Each WECS shall be designed; constructed and operated so far as possible so as not to cause radio, television and other wireless signal interference. If electromagnetic interference is experienced by properties outside the Wind Park, and the WECS is determined to cause radio, television or other wireless signal reception to be degraded from the conditions prior to the installation of the Wind Park through the proper utilization by an expert of relevant facts, data and reliable scientific principles and methods, the WECS owner shall provide alternate service to each individual resident or property owner affected. If a property owner or resident is successful in demonstrating degradation of their radio, television or other wireless signal reception caused by a WECS, then the WECS owner shall also reimburse the property owner or resident for their reasonable costs and fees incurred to prove the existence and cause of the degradation.
10. Noise Emissions: All WECS shall be manufactured and constructed with the best available noise reduction technology available at the time of their construction. Noise emissions from the operation of one or more WECS operating within a Wind Park shall not in any case exceed fifty (50) decibels on the dBA scale as measured at any point on the boundary between land within the Wind Park and land outside the Wind Park and not more than fifty (50) decibels on the dBA scale as measured at residences outside the Wind Park. A state-of-the-art baseline noise emission study of the proposed site and impact of estimated operating noise levels upon all areas within one (1) mile radius of each proposed WECS location shall be performed (at the applicant's cost) and submitted to the Township with the application for conditional use.
11. Distribution; Transmission and Interconnection: All collection lines and interconnections from the WECS to the electrical substation shall be located and maintained underground inside the Wind Park. The Planning Commission may waive the requirement that collection lines and interconnections be located and maintained underground if the Planning Commission determines that it would be impractical or unreasonably expensive to install, place, or maintain such collection lines and interconnections underground.
12. Approved Standards: In addition to the other requirements and standards contained in this section, the Planning Commission shall not approve any Wind Park conditional use unless it finds that all of the following standards are met:
 - a. The general conditional use standards contained in this Ordinance; and
 - b. The Wind Park will not pose a safety hazard or unreasonable risk of harm to the occupants of any surrounding properties or area wildlife.
13. Conditions and Modifications: Any conditions or modifications approved by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission Meeting. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences, and other improvements that are reasonable in relation to and consistent with the nature of the Agricultural District. After approval, at least two (2) copies of the final approved Site Plan shall be signed

and dated by the Chairman of the Planning Commission and authorized representative of the Applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the applicant's authorized representative.

14. Completion; Testing: The applicant shall complete the Wind Park construction within twelve (12) months after commencement of construction. Within 12 months of completion and commencement of operation, the applicant shall be required to present a report prepared by a third party, qualified professional, demonstrating that the Wind Park while in operation meets the requirements of this Ordinance and the permit for conditional use with respect to noise emissions and electromagnetic interference, and shadow flicker effect.
15. Inspection: The Township shall have the right upon issuing any Wind Park conditional use to inspect the premises on which each WECS is located at any reasonable time. The Township may hire a consultant to assist with any such inspections at the applicant's reasonable cost.
16. Maintenance and Repair: Each WECS must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a WECS fails at any time to meet the requirements of this Ordinance and the permit for conditional use with respect to noise emissions, electromagnetic interference, or shadow flicker effect, or that it poses a potential safety hazard, the applicant shall shut down the WECS within 48 hours after notice by the Zoning Administrator and not start the WECS until the condition has been corrected. The applicant shall keep a maintenance log on each WECS, which shall be available for the Township's review on a monthly basis. The applicant shall keep all sites within the Wind Park neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
17. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance, or operation of a WECS shall be repaired at the applicant's expense. In addition, the applicant shall submit to the appropriate County agency a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries; and a performance guarantee acceptable to the County in an amount necessary to assure repair of any damage to the public roads caused by construction of the Wind Park or any of its elements.
18. Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents and property owners concerning the construction and operation of the Wind Park. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the Township from acting on a complaint. During construction and operation the applicant shall maintain a telephone number during business hours where nearby residents and landowners can reach a project representative.
19. Abandonment: Any WECS that is not used for the production of energy for a period of six (6) successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property, unless the applicant receives a written extension of that period from the Township Zoning Administrator in a case involving an extended repair schedule for good cause. All above and below ground

materials (down 4 feet below the ground) must be removed. The ground must be restored to its original condition within 180 days of abandonment. The cost of such removal shall be borne solely by the applicant or its successor(s) or assign(s).

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

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

Township, including possible enforcement action and revocation of the conditional use.

21. Liability: The applicant shall insure each WECS at all times, and shall maintain such insurance on its own behalf and on behalf of the Township as a co-insured, with limits of liability not less than \$2,000,000.00 per occurrence for damages to persons and property (to be adjusted annually to an amount equivalent to 2017 dollars based on CPI).
22. Color: A WECS shall be painted a non-obtrusive (light environmental color such as beige or gray) color that is non-reflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.
23. Shadow Flicker Effect: All reasonable efforts shall be made not to affect any resident with any shadow flicker effect in the operation of any WECS.
24. Vibrations or Wind Currents: Under no circumstances shall a WECS produce vibrations or wind currents humanly perceptible beyond the perimeter of the Wind Park.
25. Stray Voltage: The applicant shall be responsible for compensation for damages due to any stray voltage caused by a WECS in accordance with the rules of the Michigan Public Service Commission.
26. Environmental Impact Assessment: At the Township's request, the applicant shall fund an environmental assessment or impact study and/or other relevant report(s) or studies (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, plants, and/or other wildlife) as required by the Township for review by the Township regarding the Wind Park or surrounding areas. Each study or report shall be provided to the Township prior to the time when the Planning Commission makes its final decision regarding the conditional use.
27. Application Escrow Account: An escrow account shall be funded by the applicant when the applicant applies for a conditional use for a Wind Park. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with the conditional use review and approval process, which costs can include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies which the Township anticipates it may have done that are reasonably related to the zoning review process for the particular application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the conditional use review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so promptly, the conditional use review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the Township shall also be applicable.

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

29. Other Requirements: Each Wind Park and WECS shall also comply with all applicable federal, state, and county requirements, in addition to other Township Ordinances.

SECTION 9. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.21: Zoning Ordinance, Article VIII, is amended to add the following new Subsection:

8.21 Single WECS for On-Site Service Only.

- a. Single WECS applications of wind energy conversion system, including WECS testing facilities, to service the energy needs of only the property where the structure is located may be approved in any zoning district as a conditional use, provided the property upon which the WECS is located is at least three and one-half (3-1/2) acres in size, complies with all applicable federal, state, and local laws, rules, and regulations.
- b. Single WECS are subject to the conditional use permit and site plan review and approval procedures and standards/criteria of this Ordinance, as well as the following:
 1. The tower shall not exceed 100 feet.
 2. The blade diameter (tip to tip) shall not exceed 100 feet.
 3. The height of the overall WECS (with the blade in vertical position) shall not exceed 130 feet above ground level (at a normal grade).
 4. The distance of the structure from all property lines shall be at least the height of the tower to the top of the rotor.

SECTION 10. SEVERABILITY: The provisions of this Ordinance are hereby declared to be severable and if any provision, section or part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provisions, section or part involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.

SECTION 11. EFFECTIVE DATE: This Ordinance shall become effective seven (7) days after its publication following final adoption or as required by law.

SECTION 12. REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Following its introduction and publication, the above Ordinance was offered for final adoption by Chamberlain and was supported by Motney at a regular meeting of the Parma Township Board, held at the Parma Township Hall on the 27 day of Dec, 2017, at 12:00 p.m., the vote being: 2018

YEAS: Chamberlain, Motney, Engelter, Spangler, Dearmyer
NAYS: None

ABSENT/ABSTAIN: none

ORDINANCE DECLARED ADOPTED.

Wendy Chamberlain
Wendy Chamberlain Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Parma Township Board at a duly scheduled and noticed meeting of that Township Board held on 12-27, 2017¹⁸, pursuant to the required statutory procedures.
2. A ^{notice} summary of the above Ordinance ^{adoption} was duly published in the Morningstar newspaper, a newspaper that circulates within Parma Township, on 1-13, 2017²⁰¹⁹.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the ~~the~~ above Ordinance with the Jackson County Clerk on _____, 2017.

ATTESTED:

Donald E Spangler
Donald Spangler, Township Clerk

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ARTICLE I
ENACTING CLAUSE, TITLE, PURPOSES, AND LEGAL CLAUSES

Section 1.1 **ENACTING CLAUSE.** An Ordinance adopted under the authority of, and in accordance with the provisions of the Michigan Zoning Enabling Act, 110 PA 2006, as amended, to establish comprehensive zoning regulations for Parma Township, 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 Parma Township."

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 Parma Township Planning Commission and the Parma Township 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 districts;
- 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 interests of the people;

- J. Providing for the completion, restoration, reconstruction, extension or substitution of non-conforming uses.

Section 1.4

VALIDITY AND SEVERABILITY CLAUSE. If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect 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 1.5

CONFLICT WITH OTHER LAWS. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of any ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.

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 that such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

Section 1.6

PERIOD OF EFFECTIVENESS. This Ordinance shall remain in full force and affect henceforth unless repealed.

Section 1.7

EFFECTIVE DATE. This Ordinance was adopted by the Township Board of the Township of Parma, Jackson County, Michigan at a meeting held on November 11, 1985, and notice ordered published in the Parma News and Springport Signal, newspapers having general circulation in said Township, as required by Act 184 of the Public Acts of 1943, as amended.

ARTICLE II DEFINITIONS

Section 2.1

DEFINITIONS. For the purpose of this Ordinance, certain terms are herewith defined. When not inconsistent with the context the present tense includes the future; and words used in the singular number include the plural number, and the plural the singular. The word "shall" is always mandatory and not merely permissive. 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.

2.1.1 **Animal Units:** Is a unit of measurement for any animal feeding operation calculated in accordance with the Environmental Protection Agency Standards as follows:

1. The number of mature dairy cattle multiplied by 1.4 plus
2. The number of swine weighing over 25 kilograms multiplied by 0.4 plus
3. The number of sheep, lambs or goats multiplied by 0.1 plus
4. The number of horses multiplied by 2.0 plus
5. The number of slaughter and of feeder cattle multiplied by 1.0 plus
6. Fifty-five thousand (55,000) turkeys.
7. One hundred thousand (100,000) laying hens or broilers (if the facility has a continuous overflow watering).
8. Thirty thousand (30,000) laying hens or broilers (if the facility has a liquid manure handling system).
9. Five thousand (5,000) ducks.

2.1.2 **Automobile Service Station:** A structure used for the retail sale or supply of fuels, lubricants, air, water, and other operating commodities for motor vehicles; and including the customary space and facilities for the installation of such commodities; and including space for storage, motor repair, or servicing, such as, polishing, washing, cleaning, greasing, undercoating, and minor repairs, but not including bumping, painting, or refinishing thereof.

2.1.3 **Billboard:** See Outdoor Advertising Sign.

2.1.4 **Block:** Land bounded by streets or by a combination of streets and public parks, cemeteries, railroad right-of-ways; bulkhead lines or shorelines; or the corporate boundary lines of the township.

- 2.1.5 **Board of Appeals:** The Township Board of Appeals of the Township of Parma, Jackson County, Michigan.
- 2.1.6 **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.
- 2.1.7 **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.
- 2.1.8 **Building Area:** The total area taken on a horizontal plane at the largest floor level of a building and of all accessory buildings on the same lot exclusive of level of unroofed porches, terraces, patios, and steps; and of awnings and non)permanent canopies.
- 2.1.9 **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 ridge for gable, hip, or gambrel roofs.
- 2.1.10 **Building Inspector:** The Township Building Inspector of the Township of Parma, Jackson County, Michigan.
- 2.1.11 **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.
- 2.1.12 **Conditional Use:** A use which is subject to conditional approval by the planning commission and the township board. A conditional use may be granted only when the specific provisions of this Ordinance are complied with. A conditional use is not considered to be a non-conforming use.
- 2.1.13 **Court (Open Space):** An open space, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings. A court shall be unoccupied.
- 2.1.14 **Drive)In:** 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 service patrons while in the motor vehicles as well as within the building or structure.
- 2.1.15 **Dwelling Area:** The dwelling area of a dwelling unit is composed of a sleeping room, kitchen, dining room, den, studio, bathrooms and family and living rooms.
- 2.1.15A **Dwelling - Permanent:** Any structure that is constructed, erected or placed on an improved site for use as a dwelling.

2.1.16 Dwelling Unit: One or more rooms with principal kitchen facilities designed as a unit for residence by only one family for living and sleeping purposes.

2.1.17 Dwelling) Single-Family: A detached building designed for or occupied by one family only, which complies with the following standards:

- a. The building shall comply with the minimum square footage requirements of this ordinance as specified in Section 8.12.
- b. The building shall have a minimum width across every section of fourteen (14) feet.
- c. All habitable rooms shall have a minimum height as required in the Parma Township Building Code. Where a dwelling is required to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Parma Township Building Code, then and in that event such federal or state standard or regulation shall apply.
- d. The building shall be firmly attached to a permanent foundation constructed on the site in accordance with the township building code and manufacturer specifications which attachment shall also meet all applicable building codes and other state and federal regulations.
- e. No exposed wheels, towing mechanisms, chassis or undercarriage shall be permitted.
- f. The building shall be connected to a public water and sewer system, or to private facilities approved by the Jackson County Health Department.
- g. The building shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage along the sides of the dwelling. The building shall include not less than two exterior doors with one being in the front of the dwelling and the other being in either the rear or side of the dwelling, and contain steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Inspector's decision. Any determination of compatibility shall be based upon the standards set forth in the definition of "dwelling" as well as the character of residential development outside of mobile

home parks within 1,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20%) percent of said area; or, where said area is not so developed, by the character of residential development outside of mobile home parks throughout the Township. 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.

- h. The building shall have, as a minimum, a 2/12 pitch stationary or canopy roof. Applies to mobile homes according to Federal and State Laws.
- i. The dwelling shall contain no additions or rooms or other areas which are not constructed with similar materials and which are similar in appearance and which have similar quality of workmanship as the original structure, including the above)described foundation and permanent attachment to the principal structure.
- j. The building shall comply with all pertinent building and fire codes. In the case of mobile homes, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards", effective June 15, 1976, as amended, shall apply.
- k. The building shall be properly maintained against deterioration and/or damage from the elements or otherwise by prompt and appropriate repairs, surface coating, and other appropriate protective measures.
- l. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park or mobile home subdivision except to the extent required by state or federal law or otherwise specifically required in this ordinance pertaining to such parks.

2.1.18 Dwelling) Two-Family: A detached building designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.

2.1.19 Dwelling) Multiple-Family: A building designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.

2.1.20 Easement: Any private or dedicated public way other than a street, providing a secondary means of access to a property.

2.1.21 Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions, or boards, of underground or overhead gas, electric, steam or water transmission or distributing systems, collection, communications, supply or disposal systems, dams, weirs, culverts, bridges, canals, locks, 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, for the general public health, safety, convenience, or welfare, but not including buildings or maintenance depots.

2.1.22 **Family:** One or more persons living together in a room or rooms comprising a single housekeeping unit and related by blood, marriage, or adoption, and including the domestic employees thereof or up to three (3) people not so related by blood, marriage, or adoption. A family is distinguished from a group occupying a rooming house, board house, lodging house, club, fraternity house, hotel, motel, or tourist.

2.1.23 **Farm Operation:** A condition or activity which occurs on a farm in connection with the commercial production of farm products, and includes, but is not limited to: marketed produce at roadside stands; farm market noise, odors, dust, fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizer, conditioners, insecticides, pesticides and herbicides; and the employment and use of labor, except for a concentrated animal)feeding industrial unit.

2.1.24 **Farm Product:** Those plants and animals useful to man, including, but not limited to, forages and sod crops; grains and feed crops; dairy and dairy products; poultry and poultry products; livestock, including feeding and grazing thereof; fruits, vegetables, flowers, seeds, grasses, trees; fish, apiaries, equine and other similar products; or any other product which incorporates the use of food, fiber or fur, except for the products of a concentrated animal)feeding industrial unit.

2.1.25 **Feedlot or concentrated Animal)Feeding Industrial Unit:** An industrial use that is permissible by a conditional use permit in an agricultural district only and has any of the characteristics in subsections 1, 2 or 3 and the characteristics in subsection 4:

1. Animals or poultry are confined and fed in pens or houses in such a concentration and using such methods that a potential environmental hazard is created that requires a DNR permit, or
2. Except for conditional use regulations as herein provided, the acreage of the facility would be too limited for disposal of the animal waste in an environmentally and agronomically sound way, as defined by the Environmental Protection Agency, Jackson County Soil Conservation Service, or other jurisdictional bodies, or
3. Animals other than aquatic animals have been, are or will be stabled or confined and fed or maintained for a total of forty)five (45) days or more in any twelve (12) month period, and
4. More than the number of animals specified in any of the following categories are confined as calculated by using the method set forth in Section 2.1.1:

(e.g., 500 horses x 2.0 [from Section 2.1.1.4] equals 1,000 animal units)

- (1) One thousand (1,000) slaughter feeder cattle.
- (2) Seven hundred (700) mature dairy cattle, whether milked or dry cows.
- (3) Two thousand five hundred (2,500) swine, each weighing over twenty-five (25) pounds.
- (4) Five hundred (500) horses.
- (5) Ten thousand (10,000) sheep, lambs or goats.
- (6) Fifty-five thousand (55,000) turkeys.
- (7) One hundred thousand (100,000) laying hens or broilers (if the facility has a continuous overflow watering).
- (8) Thirty thousand (30,000) laying hens or broilers (if the facility has a liquid manure handling system).
- (9) Five thousand (5,000) ducks.

provided that two (2) or more such operations within a two (2) mile radius with either substantially the same ownership or with joint management or joint use of facilities shall be considered, for the purposes of this Ordinance, a single unit.

- 2.1.26 Free)Standing Identification Sign: A sign designed to identify to persons not on the premises only the title of the business or profession conducted on the premises, and supported by a structural frame independent of any other structure.
- 2.1.27 Floor Area: The sum of the gross horizontal areas of the several stories of a building excluding cellar and basement floor area, but including the area of walled and roofed porches and terraces. Dimensions for computing floor area shall be measured between exterior faces of walls.
- 2.1.28 Garage) Commercial: Any building available to the public operated for gain and which is used for storage, rental, greasing, washing, servicing, repairing, or adjusting of automobiles or other motor vehicles.
- 2.1.29 Garage) Private: Any accessory building or structure used principally for storage of automobiles and for other incidental storage purposes only.
- 2.1.30 Home Occupation: An occupation that is traditionally and customarily carried on in the home being primarily incidental to the principal residential use. (Also see Article VIII Section 8.9)

- 2.1.31 **Hotel:** A building or structure or part thereof, occupied as the more or less temporary abiding place of individuals, in which the rooms are usually occupied singly for hire and in which rooms no provisions for cooking are made, and in which building there may be a general kitchen, and/or public dining room for the accommodation of the occupants. The word "hotel" shall not include a "motel" or "motor court".
- 2.1.31.1 **Industry:** A business in which goods are produced in a volume significantly greater than that commonly produced by individual or family producers and using larger machinery or more intensive methods than are commonly used by individual or family producers.
- 2.1.31.2 **House of Worship:** A structure whose primary use is for religious observance.
- 2.1.32 **Junk Yard:** A place, structure, parcel, or use 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, cordage, 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 the sale, purchase, or storage of salvaged machinery and the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.
- 2.1.33 **Kennel:** Any premise on which three (3) or more dogs, cats, or similar animals are confined either permanently or temporarily for purposes of breeding, boarding, sale, leasing, or training for compensation.
- 2.1.34 **Lot:** 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 of a lot of record, or contiguous portions of lots of record; or a parcel of land described by metes and bounds.
- 2.1.35 **Lot Area:** The area within the lot lines, but excluding that portion in a public or approved private street or road right-of-way.
- 2.1.36 **Lot Corner:** A parcel of land at the junction of, and fronting or abutting on, two or more intersecting public or approved private streets or roads.
- 2.1.37 **Lot Coverage:** The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.
- 2.1.38 **Lot Depth:** The average distance between the front and rear line of a lot measured in the general direction of its side lot lines.

- 2.1.39 Lot, Platted: 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.
- 2.1.40 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 of the Register of Deeds.
- 2.1.41 Lot, Through or Double Frontage: An interior lot having frontage on two parallel or approximately parallel streets.
- 2.1.42 Lot Width: The width of the lot measured at the required front yard setback line.
- 2.1.43 Manufacturing: The process of converting, treating, or processing of raw material or previously processed material into another form.
- 2.1.44 Marina: A commercial business dealing primarily with water related services and merchandise.
- 2.1.45 Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained in the structure.
- 2.1.46 Mobile Home Park/Manufactured Housing Development: A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.
- 2.1.47 Mobile Home Site: A plot of ground within a mobile home park designed for accommodation of a mobile home.
- 2.1.48 Mobile Home Stand: That part of a mobile home site designed for the placement of a mobile home, appurtenant structures, or additions, including expandable rooms, enclosed patios, garages or structural additions.
- 2.1.49 Motel: Any establishment in which individual cabins, 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 tourist cabins and motor courts. A motor court or motel shall not be considered or construed to be either a multiple dwelling, a hotel, or a trailer coach park.
- 2.1.49A Motor Home - a self propelled travel trailer.

- 2.1.50 Non)Conforming Building, Structure: A structure or building lawfully existing at the effective date of this Ordinance, or amendments thereto that does not conform to the requirements of the district in which it is situated.
- 2.1.51 Non)Conforming Use: A structure, building, plot, premise or land lawfully occupied by a use at the effective date of this Ordinance, or amendments thereto, that does not conform to the regulations of the district in which it is situated.
- 2.1.52 Off)Street Parking Area: A land surface or facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.
- 2.1.53 Outdoor Advertising Sign or Billboard: Any sign situated on private premises on which the written or pictorial information is not directly related to the principal use of the land on which such sign is located.
- 2.1.54 Outlot: A lot, included within the boundary of a recorded plat, set aside for purposes other than a building site; such as a park, or other land dedicated to public use or reserved for private use.
- 2.1.55 Parcel: A piece or tract of land in single or joint ownership.
- 2.1.56 Parking Space: One unit of a parking area provided for the parking of one (1) automobile.
- 2.1.56.1 Place of Assembly. A site where a company of persons gather for education, worship or entertainment that is also a nonprofit entity as described by Sec. 501c of the IRS. This includes Houses of Worship, Schools, Youth Clubs, Fraternal Organizations, Government and Community Owned Buildings and similar institutions.
- 2.1.57A Private Road/Street: A private road/street shall mean a road or street constructed according to the requirements and standards of the Township, including but not limited to the Parma Township Private Road Ordinance, and which has been issued a "Use of Private Road Permit" by the Township.
- 2.1.57B Public Road/Street: A public right-of-way which is certified and maintained by the Jackson County Road Commission.
- 2.1.58 Quarry: Any pit, excavation, or mining operation for the purpose of searching for or removing from the premises any earth, 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 building, structure, or public highway.
- 2.1.59 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.

2.1.60 Roadside Stand: A temporary building or structure operated for the purpose of selling produce raised or produced on the premises where situated, provided at least fifty (50) percent of the agricultural products being sold are raised on the premises where situated, and its use shall not make a commercial district, nor shall its use be deemed a commercial activity.

2.1.61 Sign: Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

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

Also, see Outdoor Advertising Sign, and Free-Standing Identification Sign.

2.1.61A Site-Improved: A parcel or tract of land with approved septic system and/or potable water system.

2.1.62 State Licensed Residential Facility: A structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer persons under 24-hour supervision or care.

2.1.63 Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it then the space between any floor and the ceiling next above it.

2.1.64 Story, One-Half: A story under the gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls, or not more than two (2) feet above the floor of such story and the floor area shall not exceed two-thirds ($2/3$) of the area of the floor below.

- 2.1.65 **Street:** A public or private thoroughfare approved by the Township which affords the principal means of access to abutting property.
- 2.1.66 **Street Line:** The dividing line between the street right-of-way and the lot.
- 2.1.67 **Structure:** Anything constructed or erected.
- 2.1.68 **Township Board:** The Township Board of Parma, Jackson County, Michigan.
- 2.1.69 **Travel Trailer:** A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging, but which does not exceed eight (8) feet in width, or thirty-two (32) feet in length. This term also includes folding campers and truck mounted campers but not mobile homes.
- 2.1.70 **Variance:** A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area and size of yards and open spaces and parking space; establishment of expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or adjoining zoning districts.
- 2.1.71 **Yard, Front:** An open, unoccupied space extending the full width of the lot and situated between the street line and the front line of the principal building.
- 2.1.72 **Yard, Rear:** An open unoccupied space extending the full width of the lot and situated between the rear line of the lot and the rear line of the principal building.
- 2.1.73 **Yard, Side:** An open, unoccupied space on the same lot with the principal building, situated 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 is the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot.

Section 2.2 **UNDEFINED TERMS.** All terms not provided or defined herein shall be defined in compliance with the Michigan Zoning Enabling Act, MCL 125.3101, et seq., or shall have the meaning of common or standard use.

Section 2.3 **“PRIVATE ROAD INCLUSION”.** As used hereinafter, any references to streets or public streets except for Article VI and VII, shall also include Private Roads which have received a “Use of Private Road Permit” from the Township, including but not limited to the following sections:

2.1.35, 2.1.36, 2.1.57A, 2.1.57B, 2.1.65, 2.1.68, 2.3, 5.1, 5.6B, 8.2B, 8.2C, 8.2D, 8.2E, 8.2F and 8.10.

Section 2.4 **SEXUALLY ORIENTED BUSINESS (S.O.B.).** See Article VIII – Section 8.18

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**ARTICLE III
ESTABLISHMENT OF ZONING DISTRICTS**

Section 3.1 **ESTABLISHMENT OF ZONING DISTRICTS.** The Township of Parma is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

AG-1 District: Agricultural District
RS-1 District: Single-Family Residential District
C-1 District: General Commercial District
C-2 District: Highway Service Commercial District
I-1 District: Industrial District

Section 3.2 **PROVISION FOR OFFICIAL ZONING MAP.** For the purpose of this Ordinance, the zoning districts as provided in Section 3.1 of this Ordinance are bounded and defined as shown on a map entitled, "Official Zoning Map of Parma Township," a copy of which accompanies this Ordinance and which, with all explanatory matter thereon, is hereby made 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 Township Supervisor, attested by the Township Clerk, under the following words: "This is to certify that this is the Official Zoning Map referred to in The Zoning Ordinance of Parma Township," together with the effective date of this Ordinance. The Official Zoning Map shall be located in the Office of the Township 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 railroad 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 **AUTHORITY TO GRANT ZONE CHANGE.** The Township Board may, from time to time, on recommendation from the Planning Commission or on its own motion, amend, modify, supplement or revise the district boundaries, or the provisions and regulations herein established, in accordance with the Michigan Zoning Enabling Act, 110 PA 2006, as amended, whenever the public necessity and convenience and the general welfare require such amendment.

Said amendment may be initiated by resolution of the Township Board, Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Township Board or the Planning Commission, all petitions requesting an amendment shall, at the time of application, pay a fee established by resolution of the Township Board, no part of which shall be refundable to the Petitioner.

Before submitting its recommendations for a proposed zoning ordinance to the Township Board, the Planning Commission shall hold at least 1 public hearing. If an individual property or 10 or fewer adjacent properties are proposed for rezoning, notice for such hearing shall be given as set forth in section 103 of the Michigan Zoning Enabling Act as follows:

- (1) A notice of the hearing shall be published in a newspaper of general circulation in the local unit of government.
- (2) Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
- (3) The notice shall be given not less than 15 days before the date the application will be considered for approval.
- (4) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
- (5) The notice shall do all of the following:
 - (a) Describe the nature of the request;
 - (b) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if not such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - (c) State when and where the request will be considered; and
 - (d) Indicate when and where written comments will be received concerning the request.

If 11 or more adjacent properties are proposed for rezoning, notice for such hearing shall be given pursuant to section 103 of the Michigan Zoning Enabling Act, except for the requirement as set forth in subsection (2) above, and except that no individual addresses of properties are required to be listed under section (5)(b) above.

Notices of the time and place of the public hearing shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the clerk of the legislative body for the purpose of receiving the notice of public hearing.

The notices required under this Section shall include the places and times at which the proposed text and any maps of the zoning ordinance may be examined.

Upon holding a public hearing, the Planning Commission shall recommend approval or disapproval to the Township Board.

The Township Board shall grant a hearing on a proposed ordinance provision to a property owner who requests a hearing by certified mail, addressed to the Clerk of the Township Board. Notice for such hearing shall be given pursuant to section 103 of the Michigan Zoning Enabling Act, except for the requirement as set forth in subsection (2) above, and except that no individual addresses of properties are required to be listed under section (5)(b) above.

After the public hearing, if held as allowed under this Section, the Township Board shall consider and approve or disapprove the zoning request.

Following adoption of a zoning ordinance and any subsequent amendments by the Township Board, the zoning ordinance or subsequent amendments shall be filed with the clerk of the Township Board, and a notice of ordinance shall be published in a newspaper of general circulation in the local unit of government within 15 days after adoption. Such notice shall include the following information:

- (A) A summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
- (B) The effective date of the amendment.
- (C) The place where and time when a copy of the amendment may be purchased or inspected.

Except as otherwise provide under section 402 of the Michigan Zoning Enabling Act, a zoning ordinance shall take effect upon the expiration of 7 days after publication as required by this Section.

Section 3.5

AUTHORITY OF OFFICIAL ZONING MAP. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Township, shall be the final authority as to the current zoning status of any land, parcel, lot, building, or structure in the Township.

Section 3.6

REPLACEMENT OF OFFICIAL ZONING MAP. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature of number of changes made thereto, the Township Board may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the Zoning Ordinance or the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Parma Township adopted on November 11, 1985.

**ARTICLE IV
ZONING DISTRICTS REGULATIONS**

Section 4.1 **AG-1: AGRICULTURAL DISTRICT.**

A. Purpose

This district is composed of those areas of the Township whose principal use is and ought to be farm operation. The regulations of this district are designed to conserve, stabilize, enhance and develop farm products and related resource utilization activities, to minimize conflicting uses of parcels, lots, buildings, and structures detrimental to or in compatible with farm operations, and to prohibit uses of parcels, lots, buildings and structures which require streets, drainage, and other public facilities and services of a different type and quantity than those normally required by farm operations. The regulations of this district are also meant to preserve the reasonable residential rights of farms with resident owners and/or operators.

B. Permitted Uses

1. Accessory uses of structures.
2. Reserved.
3. Commercial storage for agriculture produce and supply.
4. Essential services.
5. General and specialized farming and agriculture production to include the following:

Apiary Production (bees)

Fiber Crop Production (including but not limited to production of pulpwood, firewood, saw logs and Christmas trees, etc.)

Field Crop Production (corn, oats, wheat, soybeans, dry edible beans, potatoes, sugar beets, barley, sunflowers, mint, asparagus, cabbage, cantaloupe, carrots, cauliflower, celery, sweet corn, popcorn, cucumbers, lettuce, onions, peppers, peas, rhubarb, snap beans, tomatoes, etc.)

Forages and Sod Production

Fur Bearer Production (including, but not limited to, production of mink and rabbit, etc.)

Greenhouse Production (including, but not limited to, cut flowers, flowering plants, foliage plants, budding plants, ornamentals)

Livestock and poultry production (including but not limited to commercial production of beef, swine, sheep, lambs, goats, dairy, poultry, horses and fish, etc., but excluding the products of concentrated animal)feeding industrial units.

Maple Syrup Production

Mushroom Production

Small Fruit Production (blueberries, raspberries, grapes, strawberries, etc.)

Tree Fruit Production (apples, apricots, cherries, peaches, pears, and plums, etc.)

6. Home occupation.
7. On-site signs.
8. Public parks and playgrounds.
9. Retail sales of farm commodities produced on the farm premises.
10. Single-family detached dwelling.

C. Conditional Uses

1. Airports.
2. Cemeteries.
3. Country clubs; public swimming pools; recreation centers; and parks, playgrounds, and play fields.
4. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.
5. Extraction of raw materials and aggregate.
6. Facilities used for the centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets.
7. Facilities used in the research and testing of agricultural products and techniques.

8. Facilities used to provide veterinarian services for livestock.
9. Feedlots or concentrated animal-feeding industrial units. (See Article II, Section 2.1.25, Definitions and also Article VI, Conditional Uses, Section 6.7(M)).
10. Golf courses, but not including golf driving ranges.
11. Government- or community-owned buildings.
12. Group or organized camps, camping grounds, and resorts.
13. Hospitals and medical clinics.
14. Mobile homes (14') in accordance with Section 8.7 of this ordinance.
15. Planned-unit residential developments.
16. Production of methane and alcohol.
17. Public and private nursery; primary and secondary non-profit schools.
18. Sale and service of machinery used in agricultural production.
19. Sanitary landfill.
20. Places of Assembly.
21. Storage for sale of seed, feed, fertilizer, fuels and other products essential to agricultural production.
22. Travel trailer parks.

D. Area, Height, Bulk and Placement Regulations.

See Article V, Section 5.1.

Section 4.2

RS-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.

A. Purpose

This district is composed of those areas of the Township whose principal use is and ought to be single) family dwellings on moderately small-sized lots. The regulations of this district are designed to create a predominantly suburban character in those areas which are served by central sewer and water supply systems or areas where these facilities can reasonably be expected in the future. In addition to the dwellings permitted in this zoning district, certain residential and public uses are permitted which

have been strictly regulated to make them compatible with the principal uses of this district.

B. Permitted Uses

The following uses of parcels, lots, buildings, and structures are permitted in this district:

1. Accessory use, building, or structure.
2. Essential Services Structures.
3. A sign, only in accordance with the regulations specified in Article VIII, Section 8.2.
4. Single-family dwellings.
5. State Licensed Residential Facility.
6. Family Day-Care Home.

C. Conditional Uses

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article VI:

1. Places of Assembly.
2. Country club, public swimming pool, recreation club, and public and private park and playground.
3. Golf course, but not including golf driving range.
4. Government- or community-owned buildings.
5. Home occupation in accordance with Article VIII, Section 8.9.
6. Public and private nursery, primary, and secondary non-profit schools.
7. Two-family dwellings.

D. Area, Height, Bulk and Placement Regulations.

See Article V, Section 5.1

E. Required Off-Street Parking:

As required in Article VIII, Section 8.3

F. Performance Standards:

As required in Article VIII, Section 8.4

G. Required Site Plan Review by Planning Commission:

(Whether for a permitted or conditional use) as required in Article VII.

Section 4.3

C-1 GENERAL COMMERCIAL DISTRICT.

A. Purpose

This district is composed of those areas of the Township whose principal use is and ought to be general retail, service, and restricted and repair business activities which serve the entire Township and surrounding area. This district has been located within the Township to permit the development of these business activities; to protect adjacent agricultural, residential, and industrial areas against the encroachment of incompatible uses; and to lessen congestion on public streets and highways. 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.

B. Permitted Uses

The following uses of parcels, lots, buildings, and structures, are permitted in this district:

1. Accessory uses, buildings, or structures.
2. Automobile sales, automobile parts sales.
3. Agricultural services, including machinery sales and repair establishments, and farm supply stores.
4. Business and professional offices, such as legal, engineering, accounting, financial, and insurance; and business schools.
5. Clothing and apparel services, including laundry pickup, automatic laundry, dressmaking, millinery, tailor shop, and shoe repair shop.
6. Drive-in retail and service establishments, except drive-in theater.
7. Equipment services, including radio and television, electrical appliance shop, plumber, electrician, and other similar services and trades.

8. Essential service structures.
9. Food services including grocery, meat market, bakery, and fruit market, and ice-o-mats and similar self-service units.
10. Personal services, including barber shop and beauty salon, medical and dental clinics, music studios, banks and saving and loan associations, and other similar uses.
11. Recreation services, including indoor theater, bowling alley, and roller and ice skating rink.
12. Restaurant.
13. Retail services, including drug store, hardware, stationery and bookstore, news dealer, and news stand.
14. Retail services, including haberdashery, apparel shop, gift shop and dry goods and notions stores, excluding Sexually Oriented Business.
15. A sign, only in accordance with the regulations specified in Article VIII, Section 8.2.
16. Trailer coach sales and repair.
17. Residential dwelling units on second or third story above commercial or office uses.

C. Conditional Uses

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in ARTICLE VI:

1. Animal hospitals or clinics.
2. Automobile repair garage.
3. Automobile service stations.
4. Drive-in theaters.
5. Establishments serving alcoholic beverages and/or providing entertainment, excluding Sexually Oriented Business.
6. Funeral establishments or mortuaries.
7. Places of Assembly.

8. Motels or Hotels.
9. Open)air display areas for the sale of manufactured products such as or similar to garden furniture, earthenware, hardware items and nursery stock or the rental of manufactured products or equipment, such as household equipment, small tools, two)wheeled and four)wheeled utility trailers, pneumatic)tired cement mixers, wheelbarrows, rollers and similar products or equipment.
10. Outdoor commercial amusements.

D. Area, Yard, Height, Bulk and Placement Requirements.

As required in Article V, Section 5.1.

E. Required Off)Street Parking

As required in Article VIII, Section 8.3.

F. Performance Standards

As required in Article VIII, Section 8.4.

G. Required Site Plan Review by Planning Commission

(Whether for permitted or conditional uses) As required in Article VII.

Section 4.4

C-2 HIGHWAY SERVICE DISTRICT.

A. Purpose

This district is composed of those areas of the Township whose principal use is and ought to be highway service. This district has been located within the Township to permit the development of these business activities, to protect adjacent agricultural, residential, and industrial areas against the encroachment of incompatible uses, and to lessen congestion on public highways and streets.

B. Permitted Uses

The following uses of parcels, lots, buildings, and structures are permitted in this district:

1. Accessory uses, buildings, or structures.
2. Agricultural services, including machinery sales and repair establishments, and farm supply stores.

3. Automobile services, including new automobile parts sales, new automobile sales, and car wash service, repair garages and automobile service stations.
4. Bus, truck and taxi terminals.
5. Drive-in retail and service establishments, except drive-in theaters.
6. Essential service structures.
7. Lumber yards.
8. Hotels or motels.
9. Restaurant and delicatessen establishments.
10. Self-lock storage establishments.
11. Trailer coach sales and repair.

C. Conditional Uses

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article VI.

1. Drive-in theaters.
2. Establishments serving alcoholic beverages and/or providing entertainment, including Sexually Oriented Business (subject to conditions in Articles VI, VII, and VIII).
3. Hospitals.
4. Outdoor commercial amusements.
5. Sexually Oriented Business (S.O.B.) (subject to the conditions of Articles VI, VII and VIII).
6. Places of Assembly

D. Area, Yard, Height, Bulk and Placement Requirements.

As required in Article V, Section 5.1.

E. Required Offstreet Parking

As required in Article VIII, Section 8.3.

F. Performance Standards

As required in Article VIII, Section 8.4.

G. Required Site Plan Review by Planning Commission

(Whether for permitted or conditional use) as required by Article VII.

Section 4.5

I-1 INDUSTRIAL DISTRICT.

A. Purpose

This district is composed of those areas of the Township whose principal use is and ought to be light manufacturing and other limited industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter. This district has been located within the Township to permit the development of these industrial uses, to protect adjacent agricultural, residential, and commercial areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways. 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 this district, have been excluded.

B. Permitted Uses: The following uses of parcels, lots, buildings, and structures are permitted in this district:

1. Accessory uses, buildings, or structures.
2. Automobile repair garage; construction and farm equipment sales and repair; and contractor's equipment yard.
3. Building material storage and sales.
4. Commercial laundries and dry cleaning establishments; and frozen food lockers and ice and cold storage plants.
5. Essential service structures.
6. Light industrial assembly which by the nature of the materials, equipment, and processes utilized are to a considerable extent clean, quiet, and free from any objectionable or dangerous nuisance or hazard including any of the following goods or materials: drugs; jewelry; musical instruments; sporting goods; glass products; small household appliances; electronic products; printed matter; baked and dairy products; advertising display; tents and awnings, brushes and brooms; cameras and photographic equipment and supplies; wearing apparel; leather products and luggage but not including tan-

ning; products from such finished materials as plastic, bone, cork, feathers, felt, fiber, paper, glass, hair, horn, rubber, shell, or yarn.

7. Manufacturing.
8. Packaging of previously prepared materials, but not including the baling of discarded paper, rags, cloth, metal, iron, or other similar materials.
9. Printing, lithographic, blueprinting, and similar uses.
10. Research and testing facilities.
11. A sign, only in accordance with the regulations specified in ARTICLE VIII, Section 8.2.
12. Skilled trade services including plumbing, electric, and heating not engaging in any retail activities on the site.
13. Warehousing, material distribution centers and wholesale sales establishments, provided all products and materials are enclosed with a building.

C. Conditional Uses

The following uses of parcels, lots, buildings, and structure are permitted subject to obtaining a conditional use permit as provided in ARTICLE VI.

1. Bulk fuel storage.
2. Bus, truck, taxi and rail terminals.
3. Places of Assembly.
4. Junk Yards.
5. Restaurants.
6. Sanitary landfill.
7. Trucking and cartage facilities including repairing and washing equipment and yards.

D. Area, Yard, Height, Bulk and Placement Requirements

As required in ARTICLE V, Section 5.1.

E. Required Off-street Parking

As required in ARTICLE VIII, Section 8.3

F. Performance Standards

As required in ARTICLE VIII, Section 8.4

G. Required Site Plan Review by Planning Commission

(Whether for permitted or conditional uses) As required in ARTICLE VII.

H. Required Transition Strip

As required in Article V, Section 5.6.

Section 4.6

MHP/MHD: MOBILE HOME PARK/MANUFACTURED HOUSING DEVELOPMENT DISTRICT.

A. Purpose

It is the intent of the Mobile Home Park/Manufactured Housing Development District to provide opportunities for the development of mobile home parks/manufactured housing developments to meet the varied housing needs of the Township's present and future residents while similarly limiting excessive public costs and demands placed upon public facilities and services which may be associated with such housing developments. It is the intent of this district that all mobile home parks/manufactured housing developments be adequately served by public facilities and services and provide for a healthy residential environment. The regulations established by the Mobile Home Commission Act (Michigan Public Act 96 of 1987, as amended) and the Mobile Home Commission Rules govern all mobile home parks/manufactured housing developments and shall apply to all mobile home parks/manufactured housing developments in Parma Township.

B. Permitted Uses

1. Mobile home parks/manufactured housing developments.
2. Day care facility, family home.
3. Foster care facility, family home
4. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use.

C. Conditional Uses

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use.

2. Places of Assembly.

D. Site Development Requirements

The following shall apply to all uses and structures in the Mobile Home Park/Manufactured Housing Development District, in addition to all other applicable standards of Public Act 96 of 1987, as amended, and the Mobile Home Commission Rules:

1. **Initiation of Construction:** The construction of a mobile home park/manufactured housing development shall not be initiated, nor shall a mobile home park/manufactured housing development be inhabited or operated until all necessary permits have been acquired from the Michigan Department of Public Health, Michigan Department of Consumer and Industry Services, and all other agencies pursuant to the Mobile Home Commission Act.
2. **Site Plan Review:** Pursuant to Section 11 of Michigan Public Act 96 of 1987, as amended, a preliminary plan shall be submitted to the Township for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans. Pursuant to Section 11 of Michigan Public Act 96 of 1987, as amended, the Planning Commission shall take action on the preliminary plan within sixty (60) days after a completed preliminary plan is submitted to the Zoning Administrator and all zoning permit application fees have been paid.

**ARTICLE V
SCHEDULE OF REGULATIONS**

SECTION 5.1 AREA, HEIGHT, BULK, AND PLACEMENT REGULATIONS.

Zoning District	Minimum Lot Size Per Dwelling Unit		Maximum Building Height			Maximum Coverage of lot by all buildings in percent of lot area	Minimum Yard Setback in Feet			Remarks
			Principal		Accessory		Front ***	Sides	Rear	
	Area in Sq.Ft.	Width in ft.	Stories	Feet	Feet					
AG-1: Agricultural	1 acre	150	2-1/2	35	80	10	40	20	35	All uses
RS-1: Single-Family Residential	12,500	100	2-1/2	35	16	30	20	10 Total 20	30 50**	Single-Family With Central Sewers
	15,000	100								Single-Family Without Central Sewer
	1 acre	100								All Other Uses
C-1: General Commercial	10,000	75	2-1/2	35	25	25	50	25	25	With Central Sewers
	15,000	100								Without Central Sewers
C-2: Highway Service Commercial	10,000	75	2-1/2	35	35	35	50	25	25	With Central Sewers
	15,000	100								Without Central Sewers
I-1: Industrial	20,000	80	2-1/2	35	35	35	35	25	25	With Central Sewers
	1 acre	150								Without Central Sewers

- * Corner lot, side yard in the street side.
- ** Lot abutting a water body.
- *** Front yard setbacks shall be measured from the street right-of-way line.
- **** Any corner lot shall have front setbacks to both streets.

Section 5.2. **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, or 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 Parma Township Board of Appeals.

Section 5.3. **HEIGHT EXCEPTIONS.** Exceptions to the maximum height regulations for each district specified in this Ordinance may be permitted subject to the following provisions:

- A. 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.
- B. 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 structure heights can be demonstrated.

Section 5.4 **ACCESSORY STRUCTURES.** No detached accessory building or structure shall be located closer than ten (10) feet to any other building or structure.

- A. 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 shall be placed not less than ten (10) feet from any rear lot line or the rear yard portion of any side lot line. No accessory structure in any residential district shall exceed sixteen (16) feet in height.
- B. All accessory structures in non-residential districts shall be subject to the standards and requirements as specified in Section 5.1.

Section 5.5

DISTANCE BETWEEN GROUPED BUILDINGS. In addition to the required set-back lines provided elsewhere in this Ordinance, in group dwellings (including detached and multiple family dwellings) the following minimum distances shall be required between each said dwelling:

- A. Where dwellings 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 dwellings are side to side, one (1) time the height of the taller building but not less than twenty (20) feet.
- C. Where dwellings 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.

In applying the above standards, the front of the dwelling shall mean the face of the building having the greatest length, and the rear is the face opposite the front. The side is the face having the smallest dimension.

Section 5.6

TRANSITION STRIPS.

- A. On every lot in an industrial or commercial districts which abuts a lot in any other district there shall be provided a transition strip. Such transition strip shall be not less than twenty-five (25) feet in width and shall be provided along every lot line, except a front lot line. Such transition strip shall not be included as part of the yard required around a building or structure and shall be improved with a solid fence, wall or hedge not less than four (4) feet and no more than eight (8) feet in height, and maintained in good condition.
- B. A use or structure on any lot in this district fronting a public road, street or way shall provide in addition to, and as an integral part of, any site development on the front yard, a landscaped strip of land twenty (20) feet or more in depth; such landscaped strip to be defined by a concrete curb and designed to limit access to the lot and separate off-street parking areas from the public right-of-way.
- C. A transition strip of two-hundred feet (200') shall be provided between any high density residential use of two (2) dwelling units per acre or higher and any other use.

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**ARTICLE VI
CONDITIONAL USES**

Section 6.1 **PURPOSE.** The formulation and enactment of this Ordinance is based upon the division of the unincorporated portions of Parma Township into districts in each of which are permitted specific uses which are mutually compatible. In addition to such permitted compatible uses, however, it is recognized that there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts but which on account of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the Township. Such use, on account of their peculiar locational need or the nature of the service offered may have to be established in a district which they cannot be reasonably allowed as a permitted use.

For purposes of this Ordinance and Michigan Zoning Enabling Act, the term "conditional use" is synonymous with the term "special land use," and the term "conditional use permit" is synonymous with the term "special use permit."

Section 6.2 **AUTHORITY TO GRANT PERMITS.** The Township Board, shall have the authority to grant conditional use permits, subject to such conditions of design, operation, and safeguards as it may determine for any conditional uses specified in the various district provisions of this Ordinance, after receipt of a report and recommendation from the Planning Commission and a public hearing by the Township Board.

Section 6.3 **APPLICATION AND FEE.** Application for any conditional use permit permissible under the provisions of this Ordinance shall be made to the Planning Commission through the Township Clerk by filling in an official conditional use permit application form; submitting required data, exhibits, and information; and depositing the required fee. Such application shall be accompanied by a fee set by the Township Board, except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant.

Section 6.4 **SITE PLAN REVIEW REQUIRED FOR CONDITIONAL USES.** Application for a conditional use permit shall require a site plan review according to Article VII. In addition, such basic information as the applicant's name, address in full, telephone number, a notarized statement that the applicant is the owner involved or is acting on the owner's behalf, and the address and legal description of the property involved shall be required as a part of the Conditional Use Permit Application.

Section 6.5 **NOTIFICATION OF HEARING.** Upon receipt by the Planning Commission of an application for conditional land use permit, which requires a decision on discretionary grounds, the Planning Commission shall provide notice of the request and a public hearing. Notice for such hearing shall be given as set forth in section 103 of the Michigan Zoning Enabling Act as follows:

- (1) A notice of the hearing shall be published in a newspaper of general circulation in the local unit of government.
- (2) Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
- (3) The notice shall be given not less than 15 days before the date the application will be considered for approval.
- (4) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
- (5) The notice shall do all of the following:
 - (a) Describe the nature of the request;
 - (b) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - (c) State when and where the request will be considered; and
 - (d) Indicate when and where written comments will be received concerning the request.

The notice shall indicate that a public hearing on the special land use request may be requested by any property owner or the occupant of any structure located within 300 feet of the property being considered for a special land use regardless of whether the property or occupant is located in the zoning jurisdiction.

6.5.1 PUBLIC HEARING: DECISIONS, CONDITIONS: After receipt of a report and recommendation from the Planning Commission, the Township Board shall order a public hearing, with notification as required in Section 6.5. A decision on a conditional land use which is based on discretionary grounds shall not be made unless notification of both the request for conditional land use approval before the Planning Commission, and notification of a public hearing on a conditional land use request before the Township Board, and subsequent public hearing, have been made and conducted, as required by this Ordinance.

6.5.2 POWER OF PLANNING COMMISSION AND TOWNSHIP BOARD. The Planning Commission who shall hold the initial hearing and review the application for conditional land uses may recommend to the Township Board denial, approval or ap-

proval with conditions of any request for conditional land use approval. The Township Board may deny, approve or approve with conditions, taking into consideration the recommendations of the Planning Commission when considering a request for conditional land use approval. The decision on a conditional land use shall be incorporated in a statement containing the conclusions relative to the conditional land use under consideration which specifies the basis for the decision and any conditions imposed.

Section 6.6

REQUIRED STANDARDS AND FINDINGS FOR MAKING

DETERMINATIONS. The Planning Commission shall review 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 showing that such a use on the proposed site, lot or parcel:

- A. Will be harmonious with and in accordance with the general objectives, intent, and purpose 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 planned neighboring uses.
- E. Will not create excessive additional requirements at public cost for public facilities and services.
- F. Will, in addition to the standards contained in this section, conform to the Performance Standards required by Section 8.4 of this Ordinance.

Section 6.7

ADDITIONAL DEVELOPMENT REQUIREMENTS FOR CERTAIN USES. A conditional use permit shall not be issued for the uses specified in this Section unless complying with the site development requirements as herein specified. The Planning Commission or Township Board may impose additional conditions and safeguards when deemed necessary by that body. A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance, and grounds for the Township Board to terminate and cancel such conditional use permit.

A. Quarries and Mineral Extraction

The removal of soil, sand, gravel, stone and other earth materials shall be subject to the following conditions:

1. There shall be not more than one (1) entrance-way from a public road to said lot for each six hundred sixty (660) feet of front lot line.
2. Such removal, processing, transportation, and activities relating to storage such as stockpiling shall not take place before sunrise or after sunset;
3. On said lot no digging or excavating shall take place closer than one hundred (100) feet to any lot line.
4. On said lot, all roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet of any lot line shall be paved so as to limit on adjoining lots and public roads the nuisance caused by windborne dust;
5. Any odors, smoke, fumes, or dust generated on said lot by any digging, excavating, processing, stockpiling, or transportation operation and borne or able to be borne by the wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
6. Such removal processing or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface water-course, or body of water outside the lines of the lot on which such use shall be located.
7. Such removal, processing, or storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot such that earth materials are carried outside of the lines of said lot. Such removal shall not be conducted as to alter the drainage pattern of surface or sub-surface waters on adjacent property. In the event that such removal, processing, or storage shall cease to be conducted, it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.
8. All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any residential zoning district, but in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line.
9. There shall be erected a fence not less than six (6) feet in height around the periphery of the development. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50) feet to the top edge of any excavation.

10. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
11. The operator or operators shall file with the Planning Commission and the Township Building Inspector a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour line of not greater intervals than five (5) feet, steps which shall be taken to conserve topsoil; proposed and final landscaping; and the location of future roads, drives, drainage courses, and/or other improvements contemplated.

Said plans shall be subject to review and modification from time to time by the Planning Commission. The anticipated cost of carrying out the plans of restoration shall be included with said plans.
12. The operator or operators shall file with the Township Board a performance bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond which will reflect the anticipated cost of restoration shall be fixed by the Township Board. The bond shall be released upon written certification of the Township Building Inspector that the restoration is complete and in compliance with the restoration plan.
13. The permit or each renewal thereof shall be for a period of not more than five (5) years and shall be renewable only upon re-application, a redetermination by the Planning Commission, and a filing of a performance bond; said redetermination to be made in accordance with the requirements of this Ordinance for the issuance of a conditional use permit.

B. Junk Yards

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

1. Junk yards shall be established and maintained in accordance with all applicable State of Michigan Statutes.
2. It is recognized by this Ordinance that the location in the open of such materials included in this Ordinance's definition of "Junk Yard" will cause the reduction of the value of adjoining property. To the end that the character of the district shall be maintained and property values conserved, a solid, unpierced fence or wall at least seven (7) feet in height, and not less in height than the materials located on the lot on which a junk yard shall be operated, shall be located 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.

3. 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.
4. On the lot on which a junk yard shall be operated, all roads, driveways, parking lots, and loading and unloading areas within any yard shall be paved so as to limit on adjoining lots and public roads the nuisance caused by windborne dust.
5. The operator shall file with the Planning Commission and the Zoning Inspector a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five (5) feet, proposed and final landscaping; and the location of future roads, drives, drainage courses, and/or other improvements contemplated. Soil plans shall be subject to review and modification from time to time by the Planning Commission. The anticipated costs of carrying out the plans of restoration shall be included with said plans.
6. The operator shall file with the Township Board a performance bond, payable to the Township Board and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond, which will reflect the anticipated cost of restoration, shall be fixed by the Township Board. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.
7. The permit or each renewal thereof shall be for a period of not more than five (5) years and shall be renewable only upon re-application, a redetermination to be made in accordance with the requirements of this Ordinance for the issuance of a conditional use permit.

C. Temporary Transient Amusement Enterprises

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 or 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 for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.

D. Sexually Oriented Business (S.O.B.)

E. Airports, subject to the following standards:

1. The area proposed shall be sufficient to meet the Federal Aeronautics Administration's requirements for the class of airport proposed.
2. There are no existing flight obstructions such as towers, chimneys or other tall structures, or natural obstructions outside the proposed airport which would fall within the approach zone to any of the proposed runways or landing strips of the airport.
3. There is sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the Federal Aeronautics Administration or any other appropriate authority. In cases where air rights or easements have been acquired from the owners of abutting properties, in which approach zones fall, satisfactory evidence thereof shall be submitted with the application.
4. Any building, hangars, or other structures shall be at least 100 feet from any street or lot line.
5. The site plan submitted for review and approval shall, in addition to the information required in Subsection 7.5.C, include the proposed layout of runways, landing strips or areas, taxi strips, aprons, roads, parking areas, hangars, buildings, and other structures and facilities; the location and height of all buildings, structures, trees, and overhead wires falling within the airport approach zone and less than 500 feet distance from the boundary lines of the airport.

F. Amusement parks, subject to the following standards:

1. The lot size shall be a minimum of ten (10) acres.
2. The site shall be so planned as to provide all ingress and egress directly onto a County Primary Road or a State or Federal Highway.

3. There shall be provided at least a one hundred (100) foot setback from the property line abutting the County Primary Road or State or Federal Highway.
4. Such use shall be located at least two hundred (200) feet from any property line of abutting residentially zoned lands.

G. Automobile Service Stations, subject to the following standards:

1. An automobile service station building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than forty (40) feet from any street lot line, and not less than twenty-five (25) feet from any side or rear lot line adjoining a residentially zoned district.
2. All driveways providing ingress to or egress from an automobile service station shall be not more than thirty (30) feet wide at the property line. No driveway or curb opening shall be located nearer than twenty (20) feet to any intersecting street right-of-way, or adjacent to residential property. No driveway shall be located nearer than thirty (30) feet, as measured along the property line, to any other driveway giving access to or from the same automobile service station.
3. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street, or right-of-way.
4. Outdoor storage or parking of wrecked or partially dismantled vehicles shall be prohibited.

H. Automobile Repair Garages, subject to the following standards:

1. An automobile repair garage shall be located not less than forty (40) feet from any street lot line.
2. An automobile repair garage shall be located not less than one hundred (100) feet from any residentially zoned area.
3. All repair equipment and activity shall be located within a completely enclosed building.
4. Outdoor storage or parking of wrecked or partially dismantled vehicles shall be prohibited for a period greater than ten (10) days.

I. Commercially operated trails for use by motorcycles, dune buggies, snowmobiles, and similar types of vehicles, subject to the following standards:

1. The minimum site size shall be ten (10) acres.
2. The sites shall have direct access to a County Primary Road or a State or Federal Highway.
3. There shall be provided at least a one hundred (100) foot setback from the property line that abuts the County Primary Road or State or Federal Highway.
4. Such use shall be located at least five hundred (500) feet from any property line of abutting residentially zoned lands.
5. The perimeter of the site shall be fenced to a height of four (4) to six (6) feet.

J. Country clubs, subject to the following standards:

1. Country clubs shall be associated with golf courses. Clubhouses and accessory buildings shall be located not less than two hundred (200) feet from abutting residentially zoned lands.

K. Drive-in businesses, subject to the following standards:

1. Access to and egress from a drive-in establishment shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing of vehicles on sidewalks or streets.
2. Ingress and egress driveways shall be located at least 25 linear feet from any corner when said property abuts an intersection of two streets to provide adequate sight distance from both vehicles and pedestrians.
3. No access or egress shall be so arranged that vehicles can enter or leave the area only by backing on or across any sidewalk or back into any street.
4. All access and egress driveways shall cross a sidewalk only in such a manner that its width at the inner edge of the sidewalk is no greater than its width at the curb, excluding any curved or tapered section known as the curb return. Any portion of a parking or loading area abutting a sidewalk at a point other than a permitted driveway shall be provided with wheel stops, bumper guards, or other devices to prevent encroachment of parked, standing or moving vehicles upon any sidewalk area not contained within a permitted driveway.

5. All driveways providing ingress and egress to a drive-in business, shall be not more than thirty (30) feet wide at the property line. No driveway shall be located nearer than thirty (30) feet, as measured along the property line, to any other driveway providing access to or from the drive-in business.

L. Drive-in theaters, subject to the following standards:

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 or property line.
3. The area accessible to patrons' vehicles shall be treated with a suitable material to prevent dust.
4. Reservoir parking space off the street shall be provided for patrons awaiting admission in an amount not less than 30 percent of the vehicular capacity of the theater.
5. The vehicular circulation shall be so designed and constructed as to permit only one way traffic within the boundaries of the tract on which the theater is to be located.
6. Ingress and egress from the highway shall be so designed and constructed as to provide for safe traffic movement.
7. The screen shall be so located and shielded so that the pictures shown thereon shall be invisible from any highway.
8. A structure for the sale and service of food and non-alcoholic beverages may be permitted as an accessory use for a drive-in theater.

M. Feedlots or concentrated animal feeding industrial units, subject to the following standards:

1. The minimum lot area shall be twenty (20) acres per animal-feeding industrial unit.
2. There shall be provided at least two hundred eighty-five (285) feet set back from the property line that abuts the County primary road or State or Federal highway.
3. All structures and confined lots designed to house or contain livestock must be set back seven hundred fifty (750) feet from any existing family residence except that of the confined feeding operator. All structures in confined lots must be fifteen hundred (1,500) feet from any existing church, business, school, recreational area (public or private) or any public building

and two thousand (2,000) feet from any area zoned residential or any area that has a recorded residential plat.

4. The applicant, his heirs and assigns shall prepare an environmental impact statement (EIS) conforming to the Michigan Executive Order 1974)4 and Guidelines issued thereunder, which impact statement shall be filed with the conditional use application and which shall be used by the Planning Commission and the Township Board to make the discretionary decisions according to the standards as set forth in Section 6.6. Any reports submitted to the Federal, State, County or Local governments shall be supplied to the Planning Commission after the conditional use permit is granted, to be maintained in the file of the applicant, his heirs and assigns along with any violations issued by any Federal, State or County governments. Any costs, fees or expenses incurred by the Township in the EIS process shall be paid by the applicant, his heirs or assigns, as part of the application fee.
5. The Township Board shall select and appoint a qualified consultant to approve all phases of the project construction and to perform periodic site and soil management inspection, monitoring and operation of the project during construction. All costs of the inspections to be the responsibility of the applicant, his heirs or assigns.
6. An emergency capture and containment facility must be in place before any lagoons are loaded. This emergency capture and containment facility shall be approved by the qualified consultant, in conformance with standards provided by the Jackson County Soil Conservation Service and the Michigan Department of Natural Resources.
7. Animal waste lagoons shall be constructed minimally to the specifications of the Jackson County Soil Conservation Service or the Michigan Department of Natural Resources. If a poly)liner is recommended by either authority, then such liner shall be of a PVC material, in a thickness of no less than twenty (20) mil, all seams of such liner to be sealed according to the manufacturer specifications with the manufacturers recommended adhesive. All seams will be inspected and certified by a registered professional engineer hired by the Township and paid for by the applicant, his heirs and assigns, and the engineer's seal shall be affixed to the certificate.
8. No animal waste collection unit (such as a lagoon) shall be closer than one-half ($\frac{1}{2}$) mile or two thousand six hundred forty (2,640) feet from any lake, stream, river, wetland, natural drainage way, or ditches and drains under the jurisdiction of the Jackson County Drain Commissioner.
9. No animal waste collection unit (such as a lagoon) shall be located closer than one (1) mile or five thousand two hundred eighty (5,280) feet from any other animal waste collection unit (lagoon).

10. The Township Board shall determine the size of any lagoon at the time of the site plan review based on public health, available land for water disposal, environmental impact statement recommendations and Jackson County Soil Conservation and Michigan Department of Natural Resources recommendations.
11. Animal waste collection units will be fenced and properly seeded or sodded. Four (4) test wells will be installed near any lagoon in locations recommended by the Jackson County Health Department. Split water samples are to be randomly taken with an appointed Township representative present and tested monthly by the Jackson County Health Department or any other qualified independent laboratory. At least two (2) tests prior to lagoon loading will be conducted. All costs for wells and testing will be the responsibility of the applicant, his heirs or assigns.
12. The applicant, his heirs and assigns, shall use the state of the art animal waste disposal system identified by the Jackson County Soil Conservation Service, Michigan Department of Natural Resources and/or other jurisdictional entities so as to eliminate insofar as possible run off and odor.
13. The elimination of animal waste shall be in an environmentally and agronomically sound way. Such elimination methods shall not cause pollution (as determined under the standards of the Environmental Protection Agency and the Jackson County Soil Conservation Department or of any other jurisdictional entity) of any surface or sub-surface water course or water body. Soil testing shall be performed by a qualified testing laboratory selected by the Township Board to define levels of nitrogen, phosphorus and potash with maximum acceptable levels to be determined by soil types or classifications. All costs for testing to be the responsibility of the lessee or owner of the land to which the waste is applied or by the applicant, his heirs or assigns.
14. Any odor generated on said site and borne or able to be borne by the wind shall be confined within the lines of said site, as much as possible. Any escaping odor shall not cause a nuisance or hazard on any property or public road so that air quality standards are maintained of no more than one)half (½) part per million of hydrogen sulfide or ten (10) parts per million air borne ammonia average per hour at the site perimeters.
15. Any smoke, fumes, dust, insects or rodents generated on said site shall be confined within the lines of said site so as not to cause a nuisance, hardship or hazard to any properties or public road.
16. Such operation shall not be conducted so as to cause erosion by water of any land outside of said site, or of any land on said site so that earth materials are carried outside of the lines of said site; that each operation shall be con-

ducted so as not to alter the drainage pattern of surface or sub-surface water on adjacent property.

17. The operator shall file with the Planning Commission and the Township Board a detailed plan for the restoration of the development areas, which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater intervals than five (5) feet, proposed and final landscaping and/or other improvements contemplated.
18. The applicant, his heirs and assigns shall file with the Township board a surety bond payable to the Township of Parma and conditioned on the faithful performance of all requirements contained in the conditional use permit and the requirements contained in the approved restoration plan. The minimum amount of the required bond shall be fixed by the Township Board at one (1%) percent of the total construction costs multiplied by the number of site acres. The bond shall be set in an amount that will insure compliance with both the conditions of the conditional use permit and restorations of the site. The bond shall be released when the Township Board is satisfied that the conditions of their conditional use permit, including the restoration, is faithfully completed.
19. Because of the potentially substantial impact on properties in the vicinity, notification of a request for a conditional use permit for a feed lot or concentrated animal feeding industrial unit shall be provided by mail to all persons to whom real property is assessed within two thousand (2,000) feet of the boundary of the property in question, and to the occupants of all structures within two thousand (2,000) feet in accordance with the provisions of Section 6.5 of this Ordinance.

N. Golf courses, subject to the following standards:

1. The site shall be so planned as to provide all ingress and egress directly onto a County Primary Road or a State or Federal Highway.
2. Development features including the principal and accessory buildings and structures shall be so located and related to as minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands.

O. Golf driving ranges, subject to the following standards:

1. Any floodlights used to illuminate the premises are so directed and shielded as not to be an annoyance to any developed residential property.

2. Depending upon location, such activity may be limited to daylight or early evening hours.

P. Group or organized camps, camping grounds, and general or specialized resorts, subject to the following standards:

1. Minimum lot size shall be three (3) acres. The lot shall provide direct vehicular access to a public street or road.
2. Public stations, housed in all-weather structures, containing adequate water outlet, toilet, waste containers, shall be provided uniformly throughout the lot at a ratio of not less than one such station per each twenty (20) individual camp sites or not less than one such station per each one hundred (100) persons.
3. No commercial enterprises shall be permitted to operate on the lot.
4. Such use shall be located at least three hundred (300) feet from any abutting residentially zoned lands.

Q. Hotels or motels, subject to the following standards:

1. A swimming pool, tennis court or similar recreational activity may be established in conjunction with hotel or motel providing no charge is made for its use.
2. A hotel or motel shall not be located within three hundred (300) feet of any adjacent residential district.
3. Access should be provided so as not to conflict with adjacent businesses or adversely affect traffic flow.
4. Each unit shall contain not less than two hundred fifty (250) square feet of floor area.
5. No guest shall establish permanent residence at a motel for more than thirty days within any calendar year.

R. Landfills, subject to the following standards:

1. All sanitary landfills shall be subject to the provisions of the Michigan Solid Waste Management Act, Public Act 641 of 1978.
2. There shall be not more than one (1) entrance way from a public road to said lot for each five hundred (500) feet of front lot line.

3. On said lot no sanitary landfill activities shall take place closer than one hundred (100) feet to any lot line.
4. On said lot, all roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet of any lot line shall be paved so as to limit adjoining lots and public roads the nuisance caused by windborne dust.
5. Any refuse odors, fumes, or dust generated on said lot by any sanitary landfill or transportation operation and borne or able to be borne by the wind shall be confined within the lines of said lot so as not to cause a nuisance or hazard on any adjoining lot or public road.
6. Such sanitary landfill operation shall not be conducted as to cause the pollution by any material of any surface or subsurface, water-course, or body outside the lines of the lot on which such use shall be located.
7. All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any residential zoning district, but that in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line.
8. There shall be erected a fence not less than six (6) feet in height around the periphery of the development. Fences shall be adequate to prevent trespass.
9. All areas within any single development shall be rehabilitated progressively as they are filled to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
10. The operator shall file with the Planning Commission and the Zoning Inspector a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater intervals than five (5) feet, proposed and final landscaping; and the location of future roads, drives, drainage courses, and/or other improvements contemplated. Soil plans shall be subject to review and modification from time to time by the Planning Commission. The anticipated costs of carrying out the plans of restoration shall be included with said plans.
11. The operator shall file with the Township Board a performance bond, payable to the Township Board and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond which will reflect the anticipated cost of restoration shall

be fixed by the Township Board. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.

12. The permit or each renewal thereof shall be for a period of not more than five (5) years and shall be renewable only upon re-application, a redetermination by the Planning Commission and a filing of a performance bond, said redetermination to be made in accordance with the requirements of this Ordinance for the issuance of a conditional use permit.

S. Travel trailer parks, subject to the following standards:

1. The minimum lot area for a travel trailer park shall be five (5) acres.
2. The site shall be well-drained and not exposed to objectionable noise or odors.
3. Each travel trailer space shall contain at least 2,000 square feet and be at least 30 feet wide. Each space shall be clearly defined on the ground by stakes or markers.
4. Travel trailer spaces shall be so arranged that no trailer will be parked less than 15 feet from adjacent trailer. Travel trailer spaces adjacent to a major street or highway shall provide a trailer setback of at least 25 feet.
5. Access to travel trailer parks shall be directly from a County Primary Road or State or Federal Highway and such access be of a design that will minimize traffic congestion. The minimum street or roadway within such park shall be at least 30 feet in width. Dead end streets shall not exceed 175 feet in length and the turning circle shall be at least 80 feet in diameter.
6. All entrances and exit lanes within such park shall be lighted to provide an intensity of at least five foot candles.
7. A recreational area shall be provided in each travel trailer park at a ratio of at least 200 square feet per space, with a minimum of 5,000 square feet per park.
8. All provisions for water, laundry, sanitary facilities, fire protection, and electrical services shall be installed and maintained in accordance to all applicable township, county and state laws and ordinances.
9. No commercial enterprises shall be permitted to operate on the lot, except that a convenience good shopping building may be provided on a lot containing more than eighty (80) sites.

10. Public stations, housed in all-weather structures, containing adequate water outlet, toilet, waste containers, shall be provided uniformly throughout the lot at a ratio of not less than one such station per each twenty (20) sites.

T. Mobile Home Subdivisions, subject to the following standards:

1. All mobile homes located in the mobile home subdivision shall be constructed to the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards," effective June 15, 1976, as amended.
2. No exposed wheels, towing mechanism, or undercarriage shall be permitted.
3. Area, height, bulk, and placement regulations for lots in mobile home subdivisions shall be identical to those required in the RS)1 Single Family Residential District as specified in Section 5.1 AREA, HEIGHT, BULK, AND PLACEMENT REGULATIONS of this Ordinance.

U. Mini-Warehouses – Storage Facilities, subject to the following standards:

1. No business activities other than the rental of storage units or interior storage area shall be conducted on the premises.
2. Mini-warehouses shall be located to be directly accessible from county primary or State of Michigan trunkline roads.

Section 6.8

CONDITIONAL USE PERMIT, DETERMINATION AND IMPOSITION OF CONDITIONS, RECOMMENDATION TO TOWNSHIP BOARD. If the facts in the case do not establish beyond a reasonable doubt that the findings and standards set forth in this Ordinance will apply to the proposed use, the Planning Commission shall not recommend to the Township Board that said Board should grant a conditional use permit. In recommending that a conditional use permit should be granted by the Township Board, the Planning Commission shall recommend such conditions of use as it deems necessary to protect the best interest of the Township and the surrounding property, and to achieve the objectives of this Ordinance.

Section 6.9

TOWNSHIP BOARD APPROVAL, GRANTING OF PERMIT. Upon finding that the requirements of this Ordinance have been met by the applicant, the Planning Commission shall within thirty (30) days recommend approval or disapproval to the Township Board. When the Township Board gives final approval, a conditional use permit shall be issued to the applicant. The Township Board shall forward a copy of the permit to the applicant, Township Clerk, Building Inspector, and Planning Commission. The Building inspector shall not issue a zoning compliance permit until he has received a copy of the conditional use permit approved by the Township Board.

Section 6.10

RE-APPLICATION. No application for a conditional use permit which has been denied wholly or in part by the Township Board shall be resubmitted for a period of three hundred and sixty)five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission and Township Board to be valid.

Section 6.11

RECORDING OF APPROVAL ACTION: NO CHANGE EXCEPT UPON AGREEMENT. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon mutual consent of the Parma Township Board and the landowner. The Township Board of Parma Township shall maintain a record of conditions which are changed.

**ARTICLE VII
SITE PLAN REVIEW AND APPROVAL**

Section 7.1 **PURPOSE.** It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the Planning Commission and approval by the Township Board for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

Section 7.2 **BUILDINGS, STRUCTURES, AND USES REQUIRING SITE PLAN.** The Building Inspector shall not issue a zoning compliance permit for the construction of the buildings and structures identified in this Section unless a detailed site plan has been reviewed and approved by the Planning Commission and the Township Board and such approval is in effect.

- A. A multiple-family building.
- B. A planned unit residential development, in accordance with the provisions specified in ARTICLE VIII, Section 8.9.
- C. Any building or structure in any commercial or industrial district.
- D. More than one building or structure, except a sign, on a lot, parcel, or tract of land, or combination of lots under one ownership, in any commercial or industrial district.
- E. Mobile Home Park.
- F. All conditional uses.

Section 7.3 **APPLICATION FEE.** Any person may file a request for a site plan review by the Planning Commission by filing with the Township Clerk the completed application upon the forms furnished by the Clerk and payment of a fee as established by resolution of the Township Board. As an integral part of said application, the applicant shall file at least four (4) copies of site plan.

Section 7.4 **PLANNING COMMISSION REVIEW OF SITE PLAN.** Upon receipt of such application from the Township Clerk, the Planning Commission shall undertake a study of the same and shall, within ninety (90) days, make a recommendation to the Township Board to approve or disapprove such site plan, advising the applicant, in writing, of the recommendation, including any changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this Ordinance. The Planning Commission shall submit one (1) copy of the approved site

plan to the Township Board as well as the other data, exhibits, and information hereinafter required.

Section 7.5

REQUIRED DATA FOR SITE PLAN. Every site plan submitted to the Planning Commission shall be in accordance with the following requirements.

- A. Every site plan submitted, except site plans required for uses as prescribed in subsection 7.5.B. of this Ordinance, shall be drawn to a readable scale and shall include the following:
 - 1. The name of the applicant, scale used, a north arrow, the date prepared, and the name and address of the preparer if other than the applicant;
 - 2. All property boundaries and dimensions thereof; the location and use of all existing and proposed structures;
 - 3. The location of all existing and proposed streets, parking lots, driveways, utilities and other improvements to be constructed or used as a part of the project;
 - 4. The current zoning classifications on the subject property and all adjacent property.
 - 5. Floor plan and elevation drawing(s). Photographs of existing structures are acceptable for elevation only.

- B. Site plans submitted for the following uses shall be subject to the requirements of subsection 7.5.C. of this Ordinance.
 - I. The following conditional uses:
 - (a) Quarries.
 - (b) Junk Yards.
 - (c) Drive-in theaters and temporary amusement enterprises.
 - (d) Sexually Oriented Business (S.O.B.) (see Article VIII – Section 8.18).
 - (e) Airports.
 - (f) Amusement Parks
 - (g) Automobile service stations.
 - (h) Automobile Repair Garages.

- (i) Commercially operated trails for use by motorcycles, dune buggies, snowmobiles, and similar types of vehicles.
 - (j) Country clubs.
 - (k) Drive-in Businesses.
 - (l) Drive-in theaters.
 - (m) Feedlots.
 - (n) Golf courses.
 - (o) Golf driving ranges.
 - (p) Group or organized camps, camping grounds, and general or specialized resorts.
 - (q) Hotels or motels.
 - (r) Landfills.
 - (s) Travel trailer parks.
 - (t) Mobile Home Park (MHP)/Manufactured Housing Subdivision
 - (u) Mini Warehouse – Storage Facilities
2. A multiple-family building.
 3. Any building or structure in any commercial or industrial district with a floor area greater than three thousand (3,000) square feet.
 4. More than one building or structure, except a sign, on a lot, parcel, or tract of land, or combination of lots under one ownership, in any commercial or industrial district.

C. Site plans submitted for the uses prescribed in subsection 7.5.B shall be submitted in accordance with the following requirements:

1. The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission and Township Board can readily interpret the site plan, and shall include more than one drawing where required for clarity.

2. The property shall be identified by lot lines and location, including dimensions, angles, sizes, correlated with the legal description of said property. Such site plan shall be designed and prepared by a registered professional architect, engineer, surveyor, or community planner. Such plan shall further include the name and address of the property owner, developer, and designer.
3. The site plan shall show the scale, north point, boundary dimensions, topography (at least two foot contour intervals), natural features such as wood, lots, streams, rivers, lakes, drains, and similar features.
4. The site plan shall show existing man-made features such as buildings, structures, high tension towers, pipe lines, existing utilities such as water and sewer lines, excavations, bridges, culverts, drains and easements, and shall identify adjacent properties and their existing uses.
5. The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structure on the site, the height of all buildings and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit types.
6. The site plan shall show the proposed streets, driveways, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking area and the identification of service lanes and service parking.
7. The site plan shall show the proposed location, use, and size of open spaces and the location of any landscaping, fences or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.
8. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system.
9. Any other information deemed necessary by the Planning Commission.

Section 7.6

STANDARDS FOR SITE PLAN REVIEW. In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance. Further in consideration of each site plan, the Planning Commission shall find that provisions of ARTICLE VII, Section 7.2 through 7.5 of this Ordinance as well as the provisions of the zoning district or districts in which said buildings, structures and uses as indicated in the proposed site plan have been satisfactorily demonstrated and met by the applicant.

Section 7.7

TOWNSHIP BOARD APPROVAL. Upon the Planning Commission recommended approval of a site plan to the Township Board, the applicant shall file with the Township Board eight (8) copies thereof. The Township Board may disapprove, approve, or conditionally approve a site plan.

When the Township board files approval of said recommended site plan, the Township Clerk shall within ten (10) days transmit to the Building Inspector one (1) copy with the Clerk's certificate affixed thereto, certifying that said approved site plan conforms to the provision of this Ordinance as determined and approved the Township Board. If the Ordinance requires site plan approval, the site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan.

If the site plan is disapproved by the Township Board, notification of such disapproval shall be given to the applicant within ten (10) days after such Board action. The Building Inspector shall not issue a zoning compliance permit until he has received a certified approved site plan.

Section 7.8

EXPIRATION OF SITE PLAN CERTIFICATE. 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 Building Inspector has issued a zoning compliance permit for any proposed work authorized under a said site plan certificate.

Section 7.9

AMENDMENT, REVISION OF SITE PLAN. A site plan, and site plan certificate, issued thereon, may be amended by the Township Board upon the request of the applicant. Such amendment shall be made upon application and in accordance with the procedure provided in ARTICLE VII of this Ordinance. Any fees paid in connection with such application may be waived or refunded at the discretion of the Township Board.

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**ARTICLE VIII
SUPPLEMENTAL REGULATIONS**

Section 8.1 **PURPOSE.** It is the purpose of this Article of this Ordinance to provide regulations for miscellaneous and other requirements that may or may not apply in all zoning districts.

Section 8.2 **SIGN REGULATIONS.** The following provisions shall apply:

- A. General Sign Regulations: No sign shall be erected at any location where by reason of the position, size, shape, color, movement, or illumination, it may interfere with or obstruct the view of traffic, nor shall any sign be designed or erected to be capable of confusion with any authorized traffic sign, signal, or device. Consideration of injurious effects on adjacent properties is essential. All signs shall be designed, constructed, and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity so as not to change the essential character of such area.
- B. Permitted Signs in Agricultural District: Signs in the AG-1 Agricultural District may be illuminated only by non-flashing light. Any light used to illuminate such signs shall be so arranged as to reflect light away from adjoining premises and streets. The following signs are permitted:
1. One sign advertising the sale or lease of the lot, or building, not exceeding six (6) square feet in area on any one lot. Such sign shall be placed no closer to the street right-of-way line than one-half the minimum authorized front yard depth;
 2. One sign announcing a home occupation not to exceed three (3) square feet in area. Such sign shall be no closer to the street right-of-way than one-half the minimum authorized front yard depth;
 3. One sign identifying a park, school building, church, other authorized use, or a lawful nonconforming use not to exceed eighteen (18) square feet and placed no closer to the street right-of-way line than one-half the minimum authorized front yard depth.
- C. Permitted Signs in Residential Districts: Signs may be illuminated only by non-flashing, reflected light. Any light used to illuminate such signs shall be so arranged as to reflect light away from adjoining premises and streets. The following signs are permitted:
1. One sign advertising the sale or lease of the lot, or building not exceeding six (6) square feet in area on any one lot. Such sign to be placed no closer to the street right-of-way line than one-half the minimum authorized front yard depth.

2. One sign announcing a home occupation, boarding home, or professional service, not to exceed three (3) square feet in area and it shall be attached flat against the front wall of the building.
3. One sign advertising a recorded subdivision or development not to exceed eighteen (18) square feet in area and placed no closer to any street right-of-way than one-half the minimum authorized front yard depth, such sign shall be removed within one year after the sale of ninety (90%) percent of all lots or units within said subdivisions or development.
4. One sign not having commercial connotations identifying a multiple-family building or development, not to exceed eighteen (18) square feet in area and placed no closer to any street right-of-way than one-half the minimum authorized front yard depth.
5. One sign identifying a school, church, public building, other authorized use or lawful nonconforming use, not to exceed eighteen (18) square feet and be placed no closer to the street right-of-way line than one-half the minimum authorized front yard depth.

D. Permitted Signs in Commercial and Industrial Districts: The following provisions shall apply:

1. A sign in a C-1 General Commercial District is permitted only where it identifies an enterprise occupying the same lot upon which the sign is erected. A sign permitted in C-1 District may be illuminated only by non-flashing reflected light. Any light used to illuminate such signs shall be so arranged as to reflect light away from adjoining premises and streets. Signs shall conform to the building setback and height requirements, except for and in addition to the requirements provided below:
 - a. An identification sign may be affixed flat against the wall of the building. The total sign area shall not exceed one-quarter (1/4) square foot for each foot in length or height of the wall, whichever is greater. No such sign shall extend above the wall to which it is affixed.
 - b. One free-standing identification sign may be erected for a research park or office center, or combined research park office center. Such sign shall not exceed thirty-six (36) square feet in area, nor be closer to the front, side, or rear property line than one-half (1/2) the distance of the required setback.
2. In any C-1 General Commercial and C-2 Highway Service Commercial District or I-1 Industrial District a sign is permitted only where it advertises a business occupying the same lot of land upon which the sign is erected.

Signs shall conform to the building setback and height requirements, except for, and in addition to, the requirements provided below:

- a. In any commercial or industrial district a sign may be affixed flat against the wall of the building, or may project therefrom not more than forty-eight (48) inches. Signs projecting over public property shall be at least twelve (12) feet above the finished grade, or sidewalk. The total sign area shall not exceed one (1) square foot for each foot in length or height of the wall, whichever is greater, to which it is affixed. No such sign shall extend more than four (4) feet in height above the building wall to which it is affixed.
- b. One free-standing identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area of said sign shall be based on one (1) square foot for each front foot of building, or buildings, for which it is established; however, it shall not exceed two hundred (200) square feet in area, nor be closer to the front, side, or rear property line, than one-half the distance of the required building setback.
- c. One free-standing identification sign may be erected for each separate enterprise situated on an individual lot located within a shopping center. Such sign shall not exceed eighty (80) square feet in area, nor be closer to the front, side, or rear property line, than one-half ($\frac{1}{2}$) the distance of the required building setback. $73 \times .5 = 36$
- d. All signs may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.

E. Outdoor Advertising Signs: Outdoor advertising signs (billboards) shall be permitted under the following conditions:

1. Outdoor advertising signs (billboards) shall be permitted only in C)2 Highway Service Commercial, and I)1 Industrial Districts per Public Act #106 as amended in 1972.
2. Outdoor advertising signs are required to have the same setback as other principal structures or buildings in the zone in which they are situated.
3. When two (2) or more outdoor advertising signs are along the frontage of a single street or highway they shall not be less than one thousand (1,000) feet apart. A double face, (back to back) or a V-type structure shall be considered a single sign.

4. The total surface area, facing in the same direction of any outdoor advertising sign shall not exceed three hundred (300) square feet.
5. No outdoor advertising sign shall be erected on the roof of any building, nor have one sign above another sign.
6. Outdoor advertising signs may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of lighting arrangement or other devices shall be permitted.
7. Outdoor advertising signs shall:
 - a. Be harmonious with and in accordance with the intent, purposes, and provisions of this Ordinance;
 - b. Be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;
 - c. Not be hazardous or disturbing to existing or projected future uses.

F. Signs for Automobile Service Stations: Notwithstanding other provisions of this Ordinance, one (1) permanently installed sign shall be permitted on each street frontage, installed so that a clear view of street traffic by motorists or pedestrians may not be obstructed in any way or to a height of sixteen (16) feet other than necessary supports, and not exceeding twenty-five (25) square feet in area. A sign or legend may also be placed flat on the main building or fuel pump canopies.

Section 8.3

OFF-STREET PARKING AND LOADING-UNLOADING REQUIREMENTS.

In all districts, in connection with industrial, business, institutional, agricultural, recreational, residential or other use, there shall be provided at the time any building, structure, or use is erected, or uses established, enlarged or increased in capacity, off)street parking spaces for automobiles with the requirements herein specified.

A. Plans and specifications showing required off)street parking spaces, including the means of access and interior circulation, for the above uses, shall be submitted to the Building Inspector for review at the time of application for a zoning compliance permit for the erection or enlargement of a building. 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 this distance shall not exceed one hundred fifty (150) feet for single-family and two-family dwellings. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.

- B. No parking area or parking space which exists at the time this Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance, unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this Ordinance within three hundred (300) feet of the proposed or existing uses for which such parking will be available.
- C. Parking of motor vehicles in residential zones shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type not to exceed three-fourths (3/4) ton 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. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this Ordinance.
- D. Each off-street parking space for automobiles shall not be less than two hundred (200) square feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking space. The minimum width of such aisles shall be:
1. For ninety (90) degrees or perpendicular parking the aisle shall not be less than twenty-two (22) feet in width.
 2. For sixty (60) degrees parking the aisle shall not be less than eighteen (18) feet.
 3. For forty-five (45) degree parking the aisle shall not be less than thirteen (13) feet in width.
 4. For parallel parking the aisle shall not be less than ten (10) feet in width.
- E. Offstreet parking facilities required for places of assembly may be reduced by fifty (50) percent where places of assembly are located within three hundred (300) feet of usable public or private off-street parking areas. Off-street parking facilities for trucks at restaurants, service stations, and other similar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten (10) feet in width and fifty-five (55) feet in length.
- F. Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements:

1. 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.
 2. 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.
 3. 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 lot or institutional premises.
 4. 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.
 5. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two-family dwellings.
 6. 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.
 7. The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various uses, computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.
- G. For the purposes 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, penthouses housing ventilators and heating systems, and similar uses.
 2. Places of Assembly: In stadiums, sport arenas, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed

seats and open assembly area, requirements shall be computed separately for each type and added together.

3. Fractions: When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one (1) parking space.
4. The minimum required off-street parking spaces shall be set forth as follows:

Use

Parking Space Requirements

Automobile or Machinery

One (1) space for each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) space for each two (2) employees.

Bank, Business and Professional Offices

One (1) space for each two hundred (200) square feet of gross floor area.

Barber Shops and Beauty Parlors

One (1) space for each chair plus one (1) space for each employee.

Bowling Alleys

Five (5) spaces for each alley.

Places of Assembly, Auditoriums, Stadiums, Sport Arenas, Theaters, Dance Halls, Assembly Halls other than Schools

One (1) space for each (4) seats

Dwelling (Single-Family)

Two (2) spaces for each family or dwelling unit.

Dwelling (Two-Family and Multiple-Family)

Two (2) spaces for each family or dwelling unit.

Funeral Homes and Mortuaries

Four (4) spaces for each parlor or one (1) space for each fifty (50) square feet or floor area plus one space for each fleet vehicle, whichever is greater.

Furniture, Appliance Stores, Household Equipment and Furniture Repair Shops

One (1) space for each four hundred (400) square feet of floor area.

Hospitals

One (1) space for each bed excluding bassinets plus one (1) space for each two (2) employees.

Use

Hotels, Motels, Lodging Houses,
Boarding Homes

Automobile, Gasoline Service
Stations

Manufacturing, Fabricating Processing
and Bottling Plants, Research and
Testing Laboratories

Medical and Dental Clinics

Restaurants, Beer Parlors,
Taverns and Night Clubs

Self-service Laundry or Dry
Cleaning Stores

Elementary and Junior High
Schools, Private or Public

Senior High School and Institutions-
of Higher Learning, Private or Public

Supermarket, Self-Service Food
and Discount Stores

Wholesale Establishments and

Warehouses

Parking Space Requirements

One (1) space for each living
unit plus one (1) space for each two (2) employees.

One (1) space for each eight hundred (800)
square feet of floor area plus one (1) space
for each four (4) employees.

One (1) space for each two (2)
employees on maximum shift.

One (1) space for each one hundred (100) square feet of
floor area plus one (1) space for each employee.

One (1) space for each two (2) patrons of maximum
seating capacity plus one (1) space for each two (2) em-
ployees.

One (1) space for each two (2)
washing and/or dry cleaning machines.

One (1) space for each employee normally engaged
in or about the building or grounds plus one (1) space for
each thirty (30) students enrolled.

One (1) space for each employee in or about the building
or grounds plus one (1) space for each four (4) students.

One (1) space for each two hundred (200) square feet of
floor area plus one (1) space for each two (2) employees.

One (1) space for each four hundred (400)

square feet of floor area plus one (1) space for each two
(2) employees.

5. Where a use is not specifically mentioned the parking requirements of a similar or related use shall apply.

H. Loading-Unloading Requirements: In connection with every building or part thereof hereafter erected, except single- and two-family dwelling unit structures, there shall be provided on the same lot with such buildings, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicle.

1. Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Building Inspector for review at the time of application for a zoning compliance permit for the erection or enlargement of a use or a building or structure.
2. Each off-street loading-unloading space shall not be less than the following:
 - a. In a residential district (excluding single- and two-family dwelling units) or C)1 General Commercial District a loading-unloading space shall not be less than ten (10) feet in width and twenty-five (25) feet in length and, if a roofed space, not less than fourteen (14) feet in height.
 - b. In any C-2 Highway Service Commercial or I-1 Industrial District a loading)unloading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length, and if a roofed space, not less than fifteen (15) feet in height.
3. Subject to the limitations of the next paragraph, a loading)unloading space may occupy all or any part of any required side or rear yard; except the side yard along a side street in the case of corner lot. In no event shall any part of a required front yard be occupied by such loading space.
4. Any loading)unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence or compact planting not less than six (6) feet in height.
5. 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.
6. All off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited.
7. Off-street loading)unloading requirements for residential (excluding single- and two-family dwellings) hotels, hospitals, mortuaries, public assembly, offices, retail, wholesale, industrial or other uses similarly involving the receipt or distribution of vehicles, the uses having over 5,000 square feet of gross floor area shall be provided with at least one (1) off)street loading-unloading space, and for every additional 20,000 square feet of gross floor space, or fraction thereof, one (1) additional loading) unloading space, the size of such loading)unloading space subject to the provisions of Section 8.3.H of this Ordinance.

8. Where a use is not specifically mentioned, the requirements of a similar or related use shall apply.

Section 8.4

PERFORMANCE STANDARDS.

- A. No parcel, lot, building, or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises provided that any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements.
 1. Fire Hazard: Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
 2. Radioactivity or Electrical Disturbance: No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbances.
 3. Noise: Noise which is objectionable due to volume, frequency, or beat shall be muffled or otherwise controlled so that there is no production of sound discernable at lot lines in excess of the average intensity of street and traffic noise at the lot lines. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
 4. Vibration: No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
 5. Smoke: Smoke shall not be emitted with a density greater than No. 1 on the Ringleman Chart as issued by the U.S. Bureau of Mines except for blow-off periods of ten (10) minutes duration of one per hour when density of not more than No. 2 is permitted.
 6. Odors: No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on an adjoining lot or property.
 7. Air Pollution: No pollution of air by fly ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.

8. Glare: No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway.
 9. Erosion: No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties, lakes, ponds, rivers, or streams.
 10. Water Pollution: Pollution of water shall be subject to such requirements and regulations as are established by the Michigan State Health Department, the Michigan Water Resources Commission, and the Jackson County Health Department.
- B. The application for a zoning compliance permit for a use subject to performance requirements shall be accompanied by a description of the machinery, process, and products; and specifications for the mechanisms and techniques, to be used in meeting the performance standards.
 - C. The Building Inspector 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 Township Board.
 - D. All Site Plans are to be reviewed by the Parma-Sandstone Township Fire Chief.

Section 8.5

STORAGE OF MATERIALS. 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 or parcel in any open area district, 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.
- B. On any lot or parcel in any industrial district, the owner or tenant, whether or not for hire or for business, shall locate and store such materials:
 1. Within a completely enclosed building; or
 2. 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.

Section 8.6

SEWAGE TREATMENT AND DISPOSAL INSTALLATIONS. In addition to the requirements established by the State of Michigan Department of Health, the following site development and use requirements shall apply:

- A. No device for the collection, treatment, and disposal of sewage wastes shall be installed and used unless approval of the Jackson County Health Department shall have been granted therefor.
- B. All operations shall be completely enclosed by a fence not less than six (6) feet high.
- C. All operations and structures shall be surrounded on all sides by a buffer strip of at least two hundred (200) feet in width with grass, vegetation, and structural screens placed to minimize the appearance of the installation and to help confine odors therein. The Township Board shall approve the treatment of all buffer strips.

Section 8.7

MOBILE HOMES.

- A. The Parma Township Board shall have authority to grant a permit for the temporary occupancy of mobile homes subject to the following conditions:
 - 1. During the period of construction of a new permanent dwelling but not to exceed a period of 5 years and must be renewed every 12 months, the owner of such permanent dwelling premises, and members of such owner's immediate family, shall be permitted to occupy as a temporary residence one mobile home situated at such construction site provided such owner intends to occupy as a residence such dwelling upon completion of its construction.
 - 2. Such mobile home shall not be located between the established setback line and the public right-of-way line of such premises.
 - 3. The mobile home shall contain sleeping accommodations, a flush toilet, and a tub or shower bath adequate to serve the occupants thereof.
 - 4. The sanitary facilities of the mobile home for the disposal of sewage and waste shall be properly connected to the public sewerage system available at such premises and in case such system is not there available, then properly connected to the existing septic tank sewage disposal system which is approved by the Jackson County Health Department for the permanent dwelling to be constructed thereof.

Section 8.8

SECTION RESERVED.

Section 8.9

HOME OCCUPATION. 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 with a building accessory thereto;

- 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 nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matter at any time.
- E. No hazard of fire, explosion or radioactivity shall exist at any time.
- F. Not more than one (1) person other than the family occupying the dwelling shall be employed.

Section 8.10 ACCESS TO PRIVATE ROAD OR PUBLIC STREET ENTRANCES.

- A. In any district, every use, building, or structure established after the effective date of this Ordinance shall be on a lot or parcel which adjoins a private road or public street.

Section 8.11 LOT PARTITIONS.

- A. Purpose: The purpose of this section is to regulate and control the partitioning or dividing of lots, outlots, or other parcels of land in a recorded plat and the division of unplatted parcels in the Township of Parma, in order to promote the safety, public health, and general welfare of the community by providing for orderly growth and harmonious development of the community and achieving individual property lots of maximum utility and livability.
- B. Authority: This section is enacted pursuant to the statutory authority granted by the Subdivision Control Act of 1967, Act 288, P.A. 1967.
- C. Lot Division in Recorded Plats: The division of a lot in a recorded plat is prohibited, unless approved following application to the Township Board. The application shall be filed with the Township Clerk and shall state the reasons for the proposed division. No lot in a recorded plat shall be divided into more than four (4) parts and the resulting lots shall be no less in area than permitted by the Zoning Ordinance of Parma Township. No building permit shall be issued, or any building construction commenced, until the division has been approved by the Township Board and the suitability of the land for building sites has been approved by the Jackson County Health Department. The division of a lot resulting in a smaller area or lesser width than prescribed by the Zoning Ordinance of Parma Township or the Subdivision Control Act, Act 288, Michigan P.A. 1967 may be permitted, but only for the purpose of adding to the existing site or sites. The application shall so state and shall be in affidavit form.
- D. Division of Unplatted Parcels: The division of unplatted parcels is prohibited, unless approved following application to the Township Board. The application shall be filed with the Township Clerk and shall state the reason for the proposed division. The di-

vision, or divisions, will be governed by the terms of the Subdivision Control Act of 1967, commonly known as P.A. 288, effective January 1, 1968, and particularly Section 102, and such other Sections or parts thereof as may be applicable thereto. The resulting lots or parcels shall be in conformance to the terms of the Parma Township Zoning Ordinance for the district involved. No building permit shall be issued, or any building construction commenced, until the division has been approved by the Township Board and the land building sites have been approved by the Jackson County Health Department. The division of a parcel resulting in a smaller area or lesser width than prescribed by the Zoning Ordinance of Parma Township or the Subdivision Control Act, Act 288, Michigan P.A. 1967, may be permitted, but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form.

- E. Penalties: Any person who violates this section of the Zoning Ordinance or fails to comply with any of the requirements of this section shall be subject to the penalties indicated in Section 10.8.

Section 8.12 **FLOOR AREA REQUIREMENTS FOR DWELLINGS.** The floor area per dwelling unit erected on any lot or parcel shall not be less than that established by the following table. In determining floor area, only area used for living quarters shall be counted. Utility rooms, garages, carports, non-walled and non-roofed porches, laundry areas, heater-rooms, and basements are to be excluded.

<u>Number of Bedrooms in Each Dwelling Unit</u>	<u>Minimum Floor Area Per Each Dwelling Unit</u>
0-2	800'
3	1,000'
4	1,200'
5	1,400'

Section 8.13 **MOTOR HOMES, TRAVEL TRAILERS, AND TENTS.**

- A. No motor home, travel trailer or tent shall be used as a permanent dwelling.
- B. Motor homes, travel trailers or tents shall not be permitted to be occupied in commercial or industrial districts.
- C. A motor home, travel trailer or tent may be temporarily occupied in a residential district for a period of fourteen (14) days in a twelve (12) month period.
- D. Such motor home, travel trailer or tent may not be rented or used as rental property.

Section 8.14 **FENCES.**

- A. Except as otherwise provided in this Ordinance, fences in all districts shall be subject to the following conditions:

1. Fences within or along any rear or side yard shall not exceed six (6) feet in height as measured from the surface of the ground.
 2. Fences located within or along the required front yard shall not exceed four (4) feet in height as measured from the surface of the ground.
 3. Lake lot fences shall not exceed four (4) feet in height as measured from the surface of the ground.
- B. No fence with barbs, spikes, nails, or other sharp or electrified devices shall be permitted in any residential district nor shall any lot line fence in any district be constructed as the constitute a hazard to the public health and welfare.

Section 8.15

ON SITE SANITATION. Except as otherwise specified in this Ordinance, domestic sewage shall be disposed of through either a public sewer system, a septic tank and tile drainage system, or a chemical sewage system approved by the Jackson County Health Department. In no case, except as specified in the following provisions and other provisions of this ordinance, shall a permanent or temporary privy be permitted in any district:

- A. A temporary privy may be permitted during the construction of a structure for a period not to exceed three months or for a period of time approved by the Township Board.

Section 8.16

LARGE GATHERINGS. Circuses, carnivals, theatrical exhibitions, public shows, displays, and other forms of entertainment, amusement, or exhibitions; including but not limited to musical festivals, rock festivals, peace festivals, a similar outdoor gathering or assemblies which attract in excess of seventy)five (75) persons shall require a permit, applied for and obtained as hereinafter described, for each such gathering or assembly. These shall also apply to gatherings or assemblies that would require a rally permit, or a temporary campground license.

8.16.1 Application for Permit

- A. Application for a permit to conduct an outdoor gathering or assembly shall be made in writing on forms provided by the Parma Township Clerk at least sixty (60) days prior to the date of the proposed gathering or assembly. Each application shall be accompanied by a fee established by the Parma Township Board and shall include the following information:
1. The name, age, residence and mailing address of the person making the application. (Where the person making the application is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors, or members. Where the person is a corporation, a copy of the articles of incorporation shall be filed, and the names and addresses shall be provided of all shareholders having financial interest greater than \$500.00.).

2. A statement of the kind, character, and type of proposed gathering or assembly.
3. The address, legal description and proof of ownership of the site at which the proposed gathering or assembly is to be conducted. Where ownership is not vested in the prospective applicant, he shall submit an affidavit from the owner indicating his consent to the use of the site for the proposed gathering or assembly.
4. The date or dates and hours during which the proposed gathering or assembly is to be conducted.
5. An estimate of the maximum number of attendants expected at the gathering or assembly for each day it is conducted and a detailed explanation of the evidence of admission which will be used and of the sequential numbering or other method which will be used for accounting purposes.
6. A detailed explanation, including drawings and diagrams where applicable of the plan to provide for the following:
 - a. Police and fire protection.
 - b. Food and water supply and facilities.
 - c. Health and sanitation facilities.
 - d. Medical facilities and services including emergency vehicles and equipment.
 - e. Vehicle access and parking facilities.
 - f. Camping and trailer facilities.
 - g. Illumination facilities.
 - h. Communications facilities.
 - i. Noise control and abatement.
 - j. Insurance and bonding arrangements.

In addition, the application shall be accompanied by a map or maps of the overall site of the proposed assembly.

- B. Upon receipt of an application, the Clerk shall forward copies of the application to the Parma Township Police, Jackson County Health Department, the Parma Township

Building Inspector, and other appropriate public officials as the Clerk deems necessary. The Clerk shall also forward copies of the application to the Parma Township Board. Such officers and officials shall review and investigate matters relevant to the application and within twenty (20) days of receipt thereof, shall report their findings and recommendations in writing to the Parma Township Board.

8.16.2 Approval of Permit

- A. Within 45 days of the filing of the application, the Township Board shall issue, set conditions prerequisite to the issuance of, or deny, a permit. The Township Board may require that adequate security or insurance be provided before a permit is issued. Where conditions are imposed as prerequisite to the issuance of a permit or where a permit is denied, within 5 days of such action, notice thereof shall be mailed to the applicant by certified mail, and, in the case of denial, the reasons therefor shall be stated in the notice.
- B. A permit may be denied if:
 - 1. The applicant fails to comply with any or all requirements of this ordinance, or with any or all conditions imposed pursuant hereto, or with any other applicable provision of state or local law; or,
 - 2. The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document. A permit shall specify the name and address of the applicant, the kind and location of the gathering or assembly, the maximum number of attendants permissible, the duration of the permit and any other conditions imposed pursuant to this Ordinance. It shall be posted in a conspicuous place upon the premises of the gathering or assembly, and shall not be transferred to any other person or location. The permit shall be valid only for the dates issued on the permit.
- C. In processing an application, the Parma Township Board shall, at a minimum, require the following:
 - 1. Security Personnel: The applicant shall employ at his own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the gathering or assembly and for the preservation of order and protection of property in and around the site of the gathering or assembly. No permit shall be issued unless the chief law enforcement officer for the Township of Parma in cooperation with the Director of State Police is satisfied that such necessary and sufficient security personnel will be provided by the applicant for the duration of the gathering or assembly.
 - 2. Water Facilities: The applicant shall provide potable water, sufficient in quantity and pressure to assure proper operation of all water using facilities under conditions of peak demand. Such water shall be supplied from a pub-

lic water system, if available, and if not available, then from a source constructed, located, and approved in accordance with Act 294, Public Acts of 1965, as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, or from a source delivered and stored in a manner approved by the Jackson County Health Department.

3. Restroom Facilities. The applicant shall provide separate enclosed flush)type water closets as defined in Act 266, Public Acts of 1929, as amended, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local law. If such flush)type facilities which are in compliance with Act 273, Public Acts of 1939, as amended, and the rules and regulations adopted pursuant there to, and in accordance with any other applicable state or local law.

The applicant shall provide lavatory and drinking water facilities constructed, installed, and maintained in accordance with Act 266 of the Public Acts of 1929, as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. All lavatories shall be provided with hot and cold water and soap and paper towels.

The number of type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

<u>Facilities</u>	<u>Male</u>	<u>Female</u>
Toilets	1:50	1:50
Water Outlets		1:50

Where the gathering or assembly is to continue for more than 12 hours, the license shall provide shower facilities, on the basis of the number of attendants, in the following manner:

<u>Facilities</u>	<u>Male</u>	<u>Female</u>
Shower Heads	1:100	1:100

All facilities shall be installed, connected, and maintained free from obstructions, leaks and defects and shall at all times be in operable condition as determined by the Jackson County Health Department.

4. Food Service: If food service is made available on the premises, it shall be delivered only through concessions licensed and operated in accordance with the provisions of Act 269, Public Acts of 1968, as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. If the gathering or assembly is distant

from food service establishments open to the public, the applicant shall make such food services available on the premises as will adequately feed the attendants.

5. **Medical Facilities.** If the gathering or assembly is not readily and quickly accessible to adequate existing medical facilities, the applicant shall be required to provide such facilities on the premises of the gathering or assembly. The kind, location, staff strength, medical and other supplies and equipment of such facilities shall be as prescribed by the Jackson County Health Department.
6. **Liquid Waste Disposal.** The applicant shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the Jackson County Health Department. If such rules and regulations are not available or if they are inadequate, then liquid waste disposal shall be in accordance with the United States Public Health Service Publication No. 526, entitled, "Manual of Septic Tank Practice." If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with Act 243, Public Acts of 1951, as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, and, prior to issuance of any permit, the applicant shall provide the Jackson County Health Department with a true copy of an executed agreement in force and effect with a licensed pumper or hauler, which agreement will assure proper, effective and frequent removal of liquid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.
7. **Solid Waste Disposal.** The applicant shall provide for solid waste storage on, and removal from, the premises. Storage shall be in approved, covered, fly tight and rodent proof containers, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any permit, the applicant shall provide the Jackson County Health Department with a true copy of an executed agreement in force and effect with a licensed refuse collector, which agreement will assure proper, effective and frequent removal of solid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

The applicant shall implement effective control measures to minimize the presence of rodents, flies, roaches and other vermin on the premises. Poisonous materials, such as insecticides or rodenticides shall not be used in any way so as to contaminate food, equipment, or otherwise constitute a hazard to the public health. Solid waste containing food waste shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.
8. **Public Bathing Beaches.** The applicant shall provide to make available or accessible public bathing beaches only in accordance with Act 218, Public

Acts of 1967, as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.

9. Access and Traffic Control. The applicant shall provide for ingress to and egress from the premises so as to insure the orderly flow of traffic onto and off of the premises. Access to the premises shall be from a highway or road which is a part of the county system of highways or which is a highway maintained by the State of Michigan. Traffic lanes and other space shall be provided, designated and kept open for access by ambulance, fire equipment, helicopter and other emergency vehicles. Prior to the issuance of a permit, the Director of the Department of State Police and the Director of the Department of Transportation must approve the applicants plan for access and traffic control.
10. Parking. The applicant shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall he provide less than one automobile space for every four (4) attendants.
11. Camping and Trailer Parking. An applicant who permits attendants to remain on the premises between the hours of 2 a.m. and 6 a.m. shall provide for camping and trailer parking and facilities in accordance with Act 171, Public Acts of 1970, as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision by state or local law.
12. Illumination. The applicant shall provide electrical illumination of all occupied areas sufficient to insure the safety and comfort of all attendants. The applicant lighting plan shall be approved by the building inspector.
13. Insurance. Before the issuance of a permit, the applicant shall obtain public liability insurance with limits of not less than \$100,000 and property damage insurance with a limit of not less than \$25,000 from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure liability for death or injury to persons or damage to property which may result from the conduct of the gathering assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for the duration of the permit. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the Clerk of Parma Township in writing at least 10 days before the expiration or cancellation of said insurance.
14. Bonding. Before the issuance of a permit the applicant shall obtain, from a corporate bonding company authorized to do business in Michigan, a corporate surety bond in the amount of \$50,000 in a form to be approved by the Parma Township Board attorney, conditioned upon the applicants faithful compliance with all of the terms and provisions of this ordinance and all ap-

plicable provisions of state or local law, and which shall indemnify the Township of Parma, its agents, officers, and employees, and the Township Board against any and all loss, injury or damage whatever arising out of or in any way connected with the assembly and which shall indemnify the owners of property adjoining the assembly site for any costs attributable to cleaning up and/or removing debris, trash, or other waste resultant from the assembly.

15. Fire Protection. The applicant shall, at his own expense, take adequate steps as determined by the state fire marshal, to insure fire protection.
16. Fencing. The applicant shall erect a fence completely enclosing the site, of sufficient height and strength as will preclude persons in excess of the maximum permissible attendants from gaining access and which shall have sufficient gates properly located so as to provide ready and safe ingress and egress.
17. Communications. The applicant shall provide public telephone equipment for general use on the basis of at least one unit for each 1,000 attendants.
18. Miscellaneous. Prior to the issuance of a permit, the Township Board may impose any other condition(s) reasonably calculated to protect the health, safety, welfare and property of attendants or of citizens of the Township of Parma.

8.16.3 Revocation of Permit

The Township Board may revoke a permit whenever the applicant, his employee or agent fails, neglects or refuses to fully comply with any and all provisions and requirements set forth herein or with any and all provisions, regulations, ordinances, statutes, or other laws incorporated herein by reference.

8.16.4 Violations

It shall be unlawful for an applicant, his employee, or agent, to knowingly:

1. Advertise, promote or sell tickets to, conduct, or operate a gathering or assembly without first obtaining a permit as herein provided.
2. Conduct or operate a gathering or assembly in such a manner as to create a public or private nuisance.
3. Conduct or permit, within the gathering or assembly, any obscene display, exhibition, show, play, entertainment or amusement.
4. Permit any person on the premises to cause or create a disturbance in, around, or near the gathering or assembly by obscene or disorderly conduct.

5. Permit any person to unlawfully consume, sell, or possess, intoxicating liquor while on the premises.
6. Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs or other substance as defined in Act 343, Public Acts of 1952, as amended.

Section 8.17

OPEN FIRES. The incineration of garbage outside a building or structure shall not be permitted. Incineration of refuse, leaves, paper or other combustible debris, outside of a building or structure shall be permitted if done in accordance with the following rules:

1. Except as otherwise permitted in this ordinance all such burning shall be done in a container constructed as to prevent the dispersal of sparks and burning materials to neighboring or adjacent buildings or premises.
2. Forest fires, brush fires, or fire for the purpose of clearing lands and disposing by burning of refuse, material, and waste matter, outside of a container shall be permitted only upon the issuance of a permit. In this instance a container as required in subsection 8.18.1 shall not be required. Permits for open fires of this type located in particular geographic areas of the township shall be obtained from the Chief of the Fire Department serving that particular geographic area.
3. No such burning shall be done within fifteen (15) feet of an existing building.
4. No such burning shall be done prior to 7:00 a.m., and shall not be continued after 9:00 p.m. on any day.
5. No burning shall be done unless under the charge of supervision of a person of mature years and discretion.
6. No such burning shall be done at any time or place when wind conditions will create or be apt to create a nuisance to anyone or the property of anyone in the vicinity thereof, or be a danger to the property of any person in the vicinity thereof.
7. No such burning shall be done where its maximum size is not controllable by one person of mature years and discretion.

Section 8.18

SEXUALLY ORIENTED BUSINESS (S.O.B.). The purpose of this section is to clearly define what constitutes a Sexually Oriented Business and regulate the location and concentration of such business, but not exclude such business. These regulations are created with the understanding that Parma Township acknowledges that there are some uses, which, because of their very nature, have serious objectionable impacts when concentrated in location, causing deleterious effects upon adjacent residential

and commercial use areas. The Township recognizes that regulation of sexually oriented business is necessary to insure that adverse effects will not contribute to the blighting or downgrading of surrounding residential neighborhoods and retail areas.

A. Definitions

1. Sexually Oriented Business: Any business, club or organization where one or more persons display "specified anatomical areas" or engage in "specified sexual activities" as defined in this Section, either in person or by photograph, motion picture, television or other type of image. This definition includes the following as defined in this section. "Adult Bookstore, Adult Theatre, Massage Parlor, Public Bath, Adult Entertainment, Adult Retail Store".

This definition also includes any establishment which indicates the availability of such materials by any sign, advertisement or other device audible or visible from anywhere outside the principal building, regardless of the amount of area devoted to said material. All signs must meet requirements of Section 8.2 D and 8.18 C.6.

2. Adult Book Store: An establishment permitting physical access by customers to floor area or shelf space which has 20% or more devoted to the display of books, magazines or other periodicals, video tapes, photographs or motion picture films which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined by this Section.
3. Adult Theater: Any establishment presenting material or activity distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined by this Section, for observation by patrons or customers.

Massage Parlor: An establishment in which a substantial or a significant portion of the business conducted involves the administration of non-therapeutic massage, erotic touching or fondling of such body areas as human genitals, pubic region, buttocks or breasts. The term "massage parlor" does not include medical or therapeutic massage services performed by state licensed practitioners or medical related services such as chiropractors or physical therapists.

4. Public Bath: An establishment providing common bathing facilities or "Hot Tubs" for use for a fee. Shower facilities, swimming pools saunas and similar facilities intended as accessory uses in schools, health clubs, motels or similar facilities are "not public baths".

5. Specified Anatomical Areas: Human genitals, pubic regions, buttock or any portion of the female breast below a point immediately above the top of the areola when less than completely covered and opaquely covered, in addition to human genitals in a discernibly turgid state, even if completely and opaquely covered.
 6. Specified Sexual Activities: Human genitals in a state of stimulation or arousal; acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual), sodomy, fondling of or erotic touching of human genitals, pubic region, buttock or female breast; bestiality; fellatio, cunnilingus; sadomasochistic abuse' and human excretory functions.
 7. Adult Entertainment: An establishment which features dancers in a sexually oriented business as the direct or indirect result payment of a fee showing specified anatomical areas or simulating specified sexual activities.
 8. Adult Retail Store: An establishment devoted to the display and sale of products, notions, clothing, devices that are Sexually Oriented in nature.
- B. Site and Development Requirements shall apply:
1. No Sexually Oriented Business shall be established on any premise where there exists another Sexually Oriented Business.
 2. No Sexually Oriented Business shall be established within 1500' (feet) of another Sexually Oriented Business. Measured as a straight line distance between the closest property lines.
 3. The property on which an Sexually Oriented Business is located shall be situated at least 1500' (feet) from any residential dwelling, public park, school, playground, pre-school or nursery.
 4. No Sexually Oriented Business shall exceed a total of 3,500 sq. ft.
 5. Additional Outside Lighting and Signs Requirements according to Article VIII standards and Section 8.4
 6. Site Plan requirements per Article VII.
- C. Special Performance Standards
1. Conditional use permit (special land use permit) is non-transferable. In the event business closes for any reason, conditional use permit expires.

2. Should any Sexually Oriented Business located in any other District than C-2 at the time of adoption of these regulations closes or ceases operation of business for any reason, no other Sexually Oriented Business may occupy the premises.
3. No activities involving consumption of alcohol, sale or use of illegal narcotics, prostitution or public nudity may be allowed on the premise at any time. Violations and complaints will result in cancellation of conditional use permit and notification of proper authorities.
4. Hours of operation shall be permitted from the hours of 10 am to 10 pm. only.
5. No Sexually Oriented Business shall be located within a building where one or more residential dwelling units are located.
6. Signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner which include "specified anatomical areas" or "specified sexual activities". All signs must meet requirements of Section 8.2 0 and Section 8.18 A. 2.
7. The premise shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level.
8. The applicant shall submit a site plan of the premise showing a diagram and specifying the location of one or more managers stations and the location of all overhead lighting fixtures and illumination intensity of each.
9. Activities conducted within the building housing the Sexually Oriented Business shall be shielded in such a manor that no person outside the building can see merchandise on display provided however that such shielding shall not consist of a curtain alone and shall not obstruct the exit or directional and instructional signs regarding emergency egress nor be constructed in such a way to block an exit.
10. The premise shall be configured and designed to provide an unobstructed view of every area of the premise to which any person is permitted access for any purpose from at least one (1) of the manager station. A manager station shall not exceed thirty (30) square feet of floor area.

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**ARTICLE IX
NON-CONFORMITIES**

Section 9.1

NON-CONFORMING USES OF PARCELS AND LOTS. Where, on the effective date of adoption or amendment of this Ordinance, a lawful use of a parcel or lot exists that is no longer permissible under the provisions of this Ordinance, such use of the parcel or lot may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use of a parcel or lot shall be enlarged, expanded, or extended to occupy greater area of land that was then occupied on the effective date of adoption or amendment of this Ordinance and no accessory use, building, or structure shall be established therewith.
- B. No such nonconforming use of a parcel or lot shall be moved in whole or in part to any other portion of such parcel or lot not occupied on the effective date of adoption or amendment of this Ordinance.
- C. If such nonconforming use of a parcel or lot ceases for any reason for a period of more than one hundred and eighty (180) consecutive days, the subsequent use of such parcel or lot shall conform to the regulations and provisions set by this Ordinance for the district in which such parcel or lot is located.

Section 9.2

NON-CONFORMING BUILDINGS AND STRUCTURES. Where, on the effective date of adoption or amendment of this Ordinance, a lawful building or 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 building or structure or its location upon a lot, such building or structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. No such building or structure shall be enlarged, expanded, extended or altered in a way which increases its non-conformance without approval of the Township Planning Commission.
- B. Should any such building or structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should any such building or structure be moved for any reason for any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

Section 9.3

NON-CONFORMING USES OF BUILDINGS AND STRUCTURES. Where, on the effective date of adoption or amendment of this Ordinance, a lawful use of a building or structure exists that is no longer permissible under the regulations of this Ordinance,

nance, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. No existing building or structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, expanded, extended, or altered except in changing the use of such building or structure to a use permitted in the district in which such building or structure is located.
- B. When a nonconforming use of a building or structure is discontinued or abandoned for more than one hundred and eighty (180) consecutive days, the building or structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- C. On any building or structure devoted in whole or part to any nonconforming use work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not to exceed ten (10) percent of the then current replacement value of the building or structure, provided that the volume of such building or the number of families housed therein, or the size of such structure 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 restoring to a safe condition any building or structure or part thereof declared to be unsafe by an official charged with protecting the public safety upon order of such official.
- D. Should any building or structure containing a nonconforming use be moved, for any reason for 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 to whole or in part to any nonconforming use be destroyed by any means to an extent of more than fifty (50) percent 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.

Section 9.4

CHANGE OF TENANCY OR OWNERSHIP. There may be a change of tenancy, ownership, or management of any existing nonconforming use, building, or structure, provided there is no change in the nature or character of such nonconforming use, building, or structure.

Section 9.5

EXTENSION AND SUBSTITUTION.

- A. A nonconforming use, building, or structure shall not be extended, unless it fulfills the requirements of ARTICLE IX of this Ordinance, nor shall one nonconforming use, building, or structure be substituted for another nonconforming use, building, or structure.
- B. There shall be a specific exemption from the preceding prohibitions in Section 9.5.A. Non-conformities. This exemption shall apply to the rebuilding, altering, replacing,

improving, enlarging, extending, substitution or modifying a non)conforming use when such use was occupied as a dwelling place on or before December 11, 1985.

In this case, the owner or tenant of said dwelling place shall make application to the Board of Appeals through the Township Clerk requesting exemption from the afore-said prohibitions of Section 9.1. If the Board of Appeals, after a hearing upon such application, shall determine that for reasons of health, sanitation, safety, or well)being of the occupants that the request is proper, then the Board of Appeals may authorize the tenant or owner to rebuild, alter, replace, improve, enlarge, extend, substitute or modify said dwelling place.

Prior to granting any such request under the provisions of this section, the Board of Appeals shall make the following findings of fact and apply the following standards:

1. That the dwelling was originally constructed as a dwelling place, and has continuously been occupied as a dwelling place and was so occupied on or before December 11, 1985.
2. That the dwelling currently is occupied as a dwelling place by the owner, or if not occupied by the owner, then the premises shall not be leased or rented for monetary gain, except that if the dwelling is already being leased or rented its use as rental property shall be allowed to continue.
3. That by reason of original construction, current condition, or as part of the proposed changes, the use will have electrical and sanitation facilities meeting the requirements of this Zoning Ordinance and any applicable building codes.
4. That by reason of original construction, current condition or proposed change, the dwelling will meet the building code requirements set forth by this Zoning Ordinance and the Building Code when applicable.
5. That the use if adequately serviced by public utilities and private or public highways or roads.
6. That the proposed changes will materially and substantially benefit the use as a dwelling place and/or make the use more in conformity with the provisions of this Zoning Ordinance and the building code.
7. That the proposed changes will not have an adverse effect upon the uses in the general vicinity by creating new or different violations of this Zoning Ordinance.

Proceedings 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 under ARTICLE XI.

All applications under this section shall be accompanied by complete plans and specifications to the proposed improvements to the existing dwelling or new unit if substitution of the dwelling is requested.

All applications under this section shall be submitted on forms provided by the Township.

Section 9.6

SUBSTANDARD, NON-CONFORMING 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 the time of passage or amendment of this Ordinance and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance the lands involved shall be considered to be an undivided parcel for the purpose of 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 be made which leaves remaining any parcel or lot with width or area below the requirements stated in this Ordinance.

Section 9.7

SUBSTANDARD NON-CONFORMING LOTS OF RECORD)MOBILE HOME SUBDIVISIONS. In mobile home subdivisions, notwithstanding limitations imposed by other provisions of this ordinance, a mobile home and customary accessory building or structure excluding garages may be placed or erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lots shall be in separate 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. Such lots shall have a minimum 10 foot front yard setback requirement side and rear dimensions and other requirements of the lot shall be specified in the Residential (RS)1) District. If two or more lots or combination of lots with contiguous frontage and single ownership are of record at the time of passage or amendment of this ordinance and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance the lands involved shall be considered to be an undivided parcel for the purpose of this ordinance and no portion of said parcel or lot shall be used or sold which does not meet lot width and requirements established in this ordinance. Nor shall any diversion of the parcel or lot be made which leaves remaining any parcel or lot with width or area below the requirements stated in this ordinance.

**ARTICLE X
ADMINISTRATION OF THE ORDINANCE**

Section 10.1 **PURPOSE.** It is the purpose of the 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 10.2 **ADMINISTRATION.** Except where herein otherwise stated the provisions of this Ordinance shall be administered by the Building Inspector or by such deputies of his department as the Township Board may designate to enforce the provisions of this Ordinance.

Section 10.3 **DUTIES OF BUILDING INSPECTOR.** The Building Inspector 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 Building Inspector 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 the Ordinance, nor shall the Building Inspector vary or change any terms of this Ordinance. The Building Inspector shall submit to the Planning Commission and the Township 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 non)conforming uses, buildings, and structures.

Section 10.4 **ISSUANCE OF ZONING COMPLIANCE PERMITS.** No building or structure, or part thereof, shall hereafter be located, erected, constructed, 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 Building Inspector for such building, structure, or land. A zoning compliance application shall be submitted to the Building Inspector. The Building Inspector shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications including a plat plan in duplicate drawn to scale. The Building Inspector shall retain the original copy 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 Building Inspector shall issue the applicant a zoning compliance permit within five (5) 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 the Ordinance, the Building Inspector shall issue such permit promptly following such action.

Section 10.5 **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.

A certificate of occupancy shall be issued by the Building Inspector within three (3) days after 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.

Section 10.6

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 Building Inspector to be in violation of this Ordinance. The Building Inspector upon finding such violation shall immediately notify the Township Board of said violation and voiding of the certificate of occupancy.

Section 10.7

FEES, CHARGES, AND EXPENSES. No permit, certificate, conditional use or approval, or variance shall be issued unless or until such costs, charges, fees, or expenses required in this Ordinance or other Township Ordinances 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. A listing of all fees and charges for permits shall be posted in the township office located in the Township Hall, 2388 Eaton Rapids Road, Albion.

Section 10.8

VIOLATIONS AND PENALTIES: NUISANCE PER SE: ABATEMENT. Use of land and dwellings, buildings, or structures, including tents or recreational vehicles, used, erected, altered, razed, or converted in violation of any provision of this Ordinance is a nuisance per se. The court shall order the nuisance abated, and the owner or agent in charge of the dwelling, building, structure, tent, recreational vehicle, or land is liable for maintaining a nuisance per se.

Anyone violating any of the provisions of this Ordinance shall upon conviction thereof be subject to a fine of not more than five hundred (\$500) dollars and the costs of prosecution thereof, by imprisonment in the County Jail for a period of ninety (90) days, or both. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the regulations of this Ordinance.

**ARTICLE XI
BOARD OF APPEALS**

Section 11.1 **BOARD OF APPEALS ESTABLISHED.** There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act, 110 PA 2006, 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.

A member of the Zoning Board of Appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 11.2 **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 including but not limited to appeals made from administrative officials, dimensional variances, parking and loading variances, and interpretation of the Zoning Map boundaries.

Section 11.3 **VARIANCE.** The Zoning Board of Appeals does not have jurisdiction or authority to grant use variances.

Following receipt of a written request concerning a request for a variance, the Zoning Board of Appeals shall fix a reasonable time for the hearing of the request and give notice as provided in Section 6.5 of this Ordinance. 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:
1. That special conditions and circumstances exist which are peculiar to the land, structure, or buildings 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 make findings that the requirements of the Ordinance have met by the applicant for a variance.
- C. The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- D. The Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose of the intent of this Ordinance, and will not be injurious to the neighborhood, 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 and punishable under Section 10.8 of this Ordinance.

Section 11.4

VOIDING OF AND RE-APPLICATION FOR VARIANCE. The following provisions shall apply:

- A. 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 and 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 and eighty (180) days after the granting of such variance.
- B. 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 and sixtyfive (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 11.5

APPEALS TO THE BOARD OF APPEALS. The following provisions shall apply.

- A. Appeals, How Taken: Appeals from the ruling of the Building Inspector or the Township Board concerning the enforcement of the provisions of this Ordinance may be made to the Board of Appeals within such time as shall be prescribed by the Board of Appeals general rule, by the filing with officer from whom the appeal is taken and with the Zoning Board of Appeals of a notice of appeal specifying the grounds for the appeal. The body or officer from whom the appeal is taken shall immediately transmit to the Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.
- B. Who May Appeal: Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board, agency or bureau of the Township, County, or State.
- C. Fee for Appeal: A fee prescribed by the Township Board shall be paid to the Township Clerk at the time of filing the notice of appeal which the Board of Appeals shall pay over, within thirty (30) days after deciding any appeal, to the General Fund of the Township.
- D. Effect on Appeal: Restraining Order: An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed from unless the body or officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, in which case proceedings may be stayed by the restraining order issued by the Board of Appeals or the Circuit Court.
- E. Hearing by the Board of Appeals: Request, Notice and Hearing: When a request seeking interpretation of the Zoning Ordinance or an appeal of an administrative decision has been filed in proper form with the Board of Appeals, the Board of Appeals Secretary, or Township Clerk, shall immediately place the said request upon the calendar for hearing, and shall cause notice stating the time, date, and place of the public hearing to be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation not less than 15 days before the public hearing.

In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request, time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of the structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

- F. Representation of Hearing: Upon the hearing, any party or parties may appear in person or by agent or by attorney.

- G. Decisions of the Board of Appeals: The Board of Appeals shall decide upon all matters appealed from within a reasonable time and may reverse or affirm wholly or partly, or may modify the order requirement, decision or determination appealed from and shall make such 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 Building Inspector or Township 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. The decision of the Board of Appeals shall be final.
- H. Appeals to the Circuit Court: A party aggrieved by a Board of Appeals decision may appeal to the Circuit Court, as provided under section 606 of the Michigan Zoning Enabling Act, 110 PA 2006, as amended. An appeal under this Section shall be filed within 30 days after the Board of Appeals certifies its decision in writing or approves the minutes of its decision. The Court shall have jurisdiction to make such further orders as justice may require. An appeal may be had from the Circuit Court to the Court of Appeals.

**ARTICLE XII
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 Township Board and the amendments published without referring the same to any other board or agency.

Adopted: Effective Date:
November 11, 1985 December 11, 1985

Jack Tornga, Supervisor

Donald E. Spangler, Clerk

Amended Effective Date:
May 22, 1986 May 22, 1986

Jack Tornga, Supervisor

Donald E. Spangler, Clerk

Amended Effective Date:
August 11, 1986 August 11, 1986

Jack Tornga, Supervisor

Donald E. Spangler, Clerk

Amended: Effective Date:
December 14, 1992 December 14, 1992

Jack Tornga, Supervisor

Donald E. Spangler, Clerk

Amended:
August 15, 1993

Effective Date:
August 15, 1993

Eugene Boehlke, Supervisor

Donald E. Spangler, Clerk

Revised and Reprinted April, 2003

Revised to include the March 12, 2007 amendments

Revised to include the May 11, 2009 amendments

Revised and reprinted to include the May 9, 2011 amendments

PARMA TOWNSHIP
ZONING ORDINANCE AMENDMENT

ORDINANCE NO. 2018-8

An Ordinance to amend the Parma Township Zoning Ordinance, as amended, to classify farmlands potentially available to be used for Large Solar Arrays; and establish a strong preference for site locations on marginalized farmland; in order to maintain the public health, safety and welfare of the residents and visitors to Parma Township.

PARMA TOWNSHIP, JACKSON COUNTY, MICHIGAN, ORDAINS:

SECTION 1. AMENDMENT TO ZONING ORDINANCE ARTICLE II, SECTION 2.5: Zoning Ordinance Article II, Section 2.5, is amended to add a definition for “Prime Farmland” and “Marginalized Farmland,” and shall read as follows:

Section 2.5

2.5.1 Abandoned Solar Energy System: Any Solar Energy System, Solar Array or combination of Photovoltaic Devices that remains nonfunctional or inoperative to the extent that it not used to generate electric energy for a continuous period of six months.

2.5.2 Photovoltaic Device: A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the electric energy produced for later use.

2.5.3 Solar Array: Any number of Photovoltaic Devices connected together to provide a single output of electric energy or other energy.

2.5.4 Solar Energy System, Large: A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, for the sale, delivery or consumption of the generated energy by more than one end user, and typically the power output of that system is equal to or greater than 1 megawatt.

2.5.5 Solar Energy System, Small: A solar energy system where the sole use is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, primarily for personal consumption by a single end user at the same property upon which the solar energy system is located. The power output of the system shall not exceed 150 kilowatts.

2.5.6 Unreasonable Safety Hazard: Any condition which could reasonably be expected to create, cause, or compound the substantial likelihood that death, illness or personal injury may occur to any member of the general public, including but not limited to trespassers or emergency services personnel. Adherence by the property owner to industry standards for safeguarding against such risks will be taken into consideration in determining whether a condition poses an unreasonable safety hazard.

2.5.7 Marginal Farmland: Land that is of little agricultural value due to poor soil, a lack of irrigation or moisture, erosion, or other undesirable characteristics.

2.5.8 Prime Farmland: Land that has the best combination of physical and chemical characteristics for producing food, fiber, feed, forage and oil seed and is also available for those uses; land having the soil quality, growing season and moisture supply needed to produce economically sustained high yield crops when treated and managed according to acceptable farming methods.

SECTION 2. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.19:
Zoning Ordinance, Article VIII, Section 8.19 is amended to read as follows:

8.19 Large Solar Energy Systems.

- A. Purpose and Intent: The purpose and intent of this Subsection is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Large Solar Energy Systems within the Agricultural District as a Conditional Land Use.
- B. Site Plan Drawing and Supporting Materials: All applications for a Large Solar Energy System must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:
 - 1. All requirements for a site plan contained in Article VII of the Township Zoning Ordinance.
 - 2. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
 - 3. Names of owners of each lot or parcel within the Township that is proposed to be within the Large Solar Energy System.
 - 4. Vicinity map showing the location of all surrounding land uses.
 - 5. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with the Large Solar Energy System.
 - 6. Horizontal and vertical (elevation) scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
 - 7. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within 1,000 feet of the outside perimeter of the Large Solar Energy System.
 - 8. Proposed setbacks from the Solar Array(s) to all boundary lines and all existing and proposed structures within the Large Solar Energy System.
 - 9. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System.
 - 10. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway.

All access drives shall be subject to Jackson County Department of Transportation or Michigan Department of Transportation approval as appropriate, and shall be planned so as to minimize the use of lands for that purpose.

11. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.
12. A written description of the maintenance program to be used for the Solar Array(s) and other components of the Large Solar Energy System, including decommissioning and removal procedures when determined by the Township to be obsolete, uneconomic or an Abandoned Solar Energy System. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System becomes obsolete, uneconomic or an Abandoned Solar Energy System.
13. A copy of the manufacturer's safety measures.
14. Planned lighting protection measures.
15. The environmental impact of the Large Solar Energy System, as reflected in an environmental impact study, including, but not limited to, a review of the following factors:
 - a. Impact on area water resources
 - b. Impact on air quality
 - c. Noise impacts caused by the Solar Energy System
 - d. Impact on utilities and infrastructure
 - e. Protection of neighboring property owners and children
 - f. Impact on wildlife
 - g. Effects on floodplains and wetlands
 - h. Unique farmlands or soils
 - i. Areas of aesthetic or historical importance
 - j. Archeological or cultural concerns
 - k. Any other environmental factors typically evaluated by other members of the commercial energy industry when evaluating locations for a proposed power-generating facility

16. A written description of measures to be taken to support the flow of rainwater throughout the Large Solar Energy System, including any measures to promote the growth of vegetation beneath the arrays and/or otherwise limit the impacts of storm water runoff. The measures shall be subject to the approval of the Jackson County Drain Commission.
17. A written contract with any energy provider or other purchaser of the energy produced by the Large Solar Energy System, demonstrating a commitment to purchase said energy. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by Public Act 442 of 1976.
18. Additional detail(s) and information as required by the Conditional Land Use requirements of the Zoning Ordinance, or as required by the Planning Commission.

- C. Application Escrow Deposit: An escrow deposit shall be paid to the Township by the applicant when the applicant applies for a Conditional Land Use Permit for a Large Solar Energy System. The monetary amount deposited by the applicant in escrow with the Township shall be the amount estimated by the Township to cover all reasonable costs and expenses associated with the Conditional Land Use Permit review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the Conditional Land Use Permit review process, the Township may require that the applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the applicant refuses to do so promptly, the Conditional Land Use Permit process shall cease unless and until the applicant makes the required additional escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the Township must also be complied with by the applicant.
- D. Compliance with the State Building Code and the National Electric Safety Code: Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the state construction codes as administered and enforced by the Township (as shown by approval by the Township) as a condition of any Conditional Land Use Permit under this section.
- E. Certified Solar Array Components: Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers (“IEEE”), Solar Rating and Certification Corporation (“SRCC”), Electronic Testing Laboratories (“ETL”), or other similar certification organization acceptable to the Township.
- F. Height: Maximum height of a Solar Array shall not exceed fifteen (15) feet. Other collection devices, components or buildings of the Large Solar Energy System shall not exceed thirty-five (35) feet, or the maximum building height permitted within the district in which that Solar Energy System is located, whichever is less, at any time or location on the property. The height shall be measured from the natural grade at the base of the Solar Array, device, component or building measured. The Township Board may waive or modify these height requirements for certain aspects of a Solar Energy System (such as structures associated with above-ground transmission lines) through the implementation of conditions when appropriate.

- G. Lot Size: A Large Solar Energy System shall be located on one or more parcels with an aggregate area of 10 acres or greater.
- H. Setbacks: A minimum setback distance of forty (40) feet from all property boundaries on the outside perimeter of the Large Solar Energy System shall be required for all buildings and Solar Arrays except for property boundaries where the applicable adjoining owner(s) agree to lessen or increase that setback distance by executing a signed written waiver of this requirement in recordable form, provided no such waiver shall act to permit less than the required minimum setback of the applicable zoning district.
- I. Lot Coverage: A Large Solar Energy System is exempt from maximum lot coverage limitations.
- J. Screening/Security: A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be 8 (eight) feet in height as measured from the natural grade of the fencing perimeter. Electric fencing is not permitted. The perimeter of Large Solar Energy Systems shall also be screened and buffered by installed evergreen vegetative plantings whenever existing natural forest vegetation does not otherwise continuously obscure the Large Solar Energy System's entire perimeter from adjacent parcels, subject to the following requirements:
1. Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this Section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of the all Large Solar Energy Systems, including without limitation between such Large Solar Energy Systems and adjacent residential or agricultural areas and/or public highways or streets. Nothing contained herein shall be construed to prevent reasonable access to any Large Solar Energy System as approved by the Conditional Land Use Permit.
 2. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the applicant within six (6) months, or the next appropriate planting period, whichever occurs first, but under no circumstances should the applicant allow unhealthy or dead material to remain in place for more than six (6) consecutive months. Failure to maintain the required evergreen vegetative buffer as required by this section shall constitute a violation of this Ordinance and sufficient grounds for revocation of any Conditional Land Use Permit previously granted.
 3. All plant materials shall be installed between March 15 and November 15. If the applicant requests a Final Certificate of Occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.

- K. Signage: No lettering, company insignia, advertising, graphics or other commercially-oriented inscriptions or designs shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This section does not prohibit signs reasonably necessary to inform the public of potential safety hazards associated with the Large Solar Energy System, nor does it prohibit any other signs that may be required by this Ordinance, the Conditional Land Use Permit or other applicable law.
- L. Noise: No component of any Large Solar Energy System shall emit noise exceeding forty-five (45) dBA as measured at the outside perimeter of the project.
- M. Lighting: All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.
- N. Glare: All solar panels shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways.
- O. Distribution, Transmission and Interconnection: All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System. The Township Board may waive this requirement, or modify it with appropriate conditions, if it determines that it would be impractical or unreasonably expensive to install, place or maintain such collection lines and interconnections underground.
- P. Abandonment and Decommissioning: Following the operational life of the project, or at the time the project becomes obsolete, uneconomic or an Abandoned Solar Energy System, as determined by the Township Engineer or any other expert or specialist to be designated by the Township to make such a determination, the applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review prior to issuance of the Conditional Land Use Permit. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping and other materials may be left in place. Any Solar Array or combination of Photovoltaic Devices that become an Abandoned Solar Energy System shall be removed under the Decommissioning Plan. The ground must be restored to its original condition within 180 days of becoming an Abandoned Solar Energy System, or decommissioning, whichever occurs first.
- Q. General Standards: The Planning Commission shall not recommend for approval any Large Solar Energy System Conditional Land Use Permit unless it finds that all of the applicable standards for Conditional Land Uses contained in Article VI of this Ordinance are met.
- R. Safety: The Planning Commission shall not recommend for approval any Large Solar Energy System Conditional Land Use Permit if it finds the Large Solar Energy System will pose an Unreasonable Safety Hazard to the occupants of any surrounding properties or area wildlife.
- S. Conditions and Modifications: Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commission's meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final

approved Site Plan shall be signed and dated by the Chairman of the Planning Commission and authorized representative of the applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the applicant's authorized representative.

- T. Inspection: The Township shall have the right at any reasonable time to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants to assist with any such inspections, at the applicant's or project owner's expense.
- U. Maintenance and Repair: Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Large Solar Energy System fails at any time to meet the requirements of this Ordinance and the Conditional Land Use Permit, or that it poses a potential Unreasonable Safety Hazard, the applicant shall shut down the Large Solar Energy System within 48 hours after notice by the Zoning Administrator and not operate, start or restart the Large Solar Energy System until the condition has been corrected. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review on a monthly basis. Applicant shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
- V. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Large Solar Energy System shall be repaired at the applicant's expense. In addition, the applicant shall submit to either the Jackson County Department of Transportation or MDOT (as appropriate) a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries; and a performance guarantee acceptable to the appropriate agency in an amount necessary to assure repair of any damage to the public roads caused by construction of the Large Solar Energy System or any of its elements.
- W. Continuing Security and Escrow: If any Large Solar Energy System is approved for construction under this Section, applicant shall be required to post continuing security and a continuing escrow deposit prior to commencement of construction, which shall remain in effect until the Large Solar Energy System has been finally removed, as provided below:
 - 1. Continuing Restoration Security: If a Conditional Land Use Permit is approved pursuant to this section, the Township Board shall require security in the form of a cash deposit, letter of credit, or surety bond acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or its equivalent or successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a Conditional Land Use Permit has been approved but before construction commences on the Large Solar Energy System. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable. In addition, the party operating a Large Solar Energy System approved by the Township shall inform the Township in the event that System, or a material portion of that system is sold to a third party, and any such

sale shall require the purchasing party to provide the Township with the security described by this section, along with relevant contact information.

2. Continuing Compliance and Enforcement Escrow Deposit: A continuing escrow deposit shall be held by the Township and shall be funded by a cash deposit, letter of credit, or surety bond by the applicant prior to the commencement of construction of any Large Solar Energy System and shall be maintained by the owner or operator until the Large Solar Energy System has been permanently decommissioned and removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the Conditional Land Use Permit, which costs can include, but are not limited to, reasonable fees for the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that the Township determines are reasonably related to enforcement of the Ordinance and the Conditional Land Use Permit. If the Township is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require the applicant to place additional monies into escrow with the Township.
 3. Continuing Obligations: Failure to keep any required financial security and escrow deposit in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of the Conditional Land Use Permit and this Ordinance, and will subject the Large Solar Energy System applicant, owner and operator to all remedies available to the Township, including enforcement action and revocation of the Conditional Land Use Permit. A review of security and escrow requirements shall occur no less than annually to determine compliance with this section.
- X. Conditions: In addition to the requirements of this Section, the Planning Commission may impose additional reasonable conditions on the approval of a Large Solar Energy System as a Conditional Land Use.
- Y. Completion of Construction: The construction of any Large Solar Energy System must commence within a period of one (1) year from the date a Conditional Land Use Permit is granted, and must be completed within a period of three (3) consecutive years from the date a Conditional Land Use Permit is granted. The Planning Commission may grant an extension not to exceed one (1) year, provided the applicant requests the extension prior to the date of the expiration of the Conditional Land Use approval. Failure to complete construction within the permitted time period shall result in the approved Conditional Land Use Permit being rendered null and void.
- Z. Quarterly Reports: The owner or operator of a Large Solar Energy System shall provide the Zoning Administrator with quarterly reports on trends and usage of that System as set by the Township Board. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by Public Act 442 of 1976.
- AA. Transfer of Ownership/Operation: Prior to a change in the ownership or operation a Large Solar Energy System, including, but not limited to, by the sale or lease of that System or the underlying property, the current owner or operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the

Township of the intended transfer of control of the Large Solar Energy System, and shall include a copy of the instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Large Solar Energy System shall not be permitted to operate that System until compliance with the terms of this Ordinance, including requirements for continuing security and escrow funds, has been established.

BB. Site Location Preferences: When considering an application for a Conditional Land Use, strong preference will be given to sites located on Marginal Farmland, with a strong preference against sites located on Prime Farmland.

SECTION 3. SEVERABILITY: The provisions of this Ordinance are hereby declared to be severable and if any provision, section or part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provisions, section or part involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.

SECTION 4. EFFECTIVE DATE: This Ordinance shall become effective seven (7) days after its publication following final adoption or as required by law.

SECTION 5. REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Following its introduction and publication prior to final adoption, the above Ordinance was offered for final adoption by Chamberlain and was supported by Engelton at a regular meeting of the Parma Township Board, held at the Parma Township Hall on the 13 day of aug, 2018, at 7:00 p.m., the vote being:

YEAS: Chamberlain, Engelton, Mohney, Spangler, Deemyer

NAYS: None

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED.

Wendy Chamberlain
Wendy Chamberlain, Township Supervisor

**PARMA TOWNSHIP
JACKSON COUNTY, MICHIGAN
ORDINANCE AMENDING
COMMERCIAL MEDICAL MARIHUANA FACILITIES
ORDINANCE NO. 2017-9B**

At a regular meeting of the Township Board of Parma Township, Jackson County, Michigan, held at the Parma Township Hall on Oct 7, 2019, at 7:00 p.m., Township Board Member Chamberlain moved to adopt the following Ordinance, which motion was seconded by Township Board Member Dermeyer:

An Ordinance to amend Parma Township's "Ordinance Authorizing and Permitting Commercial Medical Marihuana Facilities" to regulate Commercial Medical Marihuana Facilities by requiring a Permit and compliance with requirements as provided in this Ordinance, and provide penalties and consequences for violation in order to maintain the public health, safety and welfare of the residents and visitors to the Township.

THE TOWNSHIP OF PARMA ORDAINS:

SECTION 1: AMENDMENT TO SECTION 2 OF ORDINANCE 2017-9: Section 2 of the Township's "Ordinance Authorizing and Permitting Commercial Medical Marihuana Facilities" also known as Ordinance 2017-9, is hereby amended to read as follows:

Section 2. Permit Required; Number of Permits Available; Eligibility; General Provisions.

1. The Township hereby authorizes the operation of the following types of Commercial Medical Marihuana Facilities, subject to the number of available Permits issued in this Section:
 - a. Growers, Class C
 - b. Processors
 - c. Secure Transporters
 - d. Provisioning Centers
2. The number of Commercial Medical Marihuana Facility Permits in effect at any time shall not exceed the following maximums within the Township:
 - a. Grower Permits, Class C: 2
 - b. Processor Permits: 1
 - c. Secure Transporter Permits: 1

- d. Provisioning Center Permits: 2
3. It shall be unlawful for any person to engage in, or be issued a Permit for, the operation of the following Commercial Medical Marihuana Facilities:
 - a. Growers, Class A
 - b. Growers, Class B
 - c. Safety Compliance Facility
4. No person shall operate a Commercial Medical Marihuana Facility at any time or any location within the Township unless a currently-effective Permit for that person at that location has been issued under this Ordinance.
5. Commercial Medical Marihuana Facilities shall operate only as allowed under this Ordinance.
6. The requirements set forth in this Ordinance shall be in addition to, and not in lieu of, any other licensing or permitting requirements imposed by applicable federal, state or local laws, regulations, codes or ordinances.
7. At the time of Application, each Applicant shall pay an annual Application fee for a Permit to the Township to defray the costs incurred by the Township for inspection, administration and enforcement of the local regulations regarding Commercial Medical Marihuana Facilities. The Township Board shall by resolution set the fees in an amount not to exceed any limitations imposed by Michigan law. All fees paid by an Applicant are nonrefundable, regardless of whether an Applicant receives a Permit. If the Township grants a Permit for a period less than one (1) year, the Township shall pro-rate the annual fee in such a way that an Applicant only pays the portion of that fee corresponding to the number of months the Permit is valid, with partial months being treated as a full month for purposes of this calculation.
8. A Permit and a renewal Permit shall not confer any vested rights or reasonable expectation of subsequent renewal on the Applicant or Permit Holder, and shall remain valid only until the June 1 immediately following its approval. A completed Application or Renewal Application must be received by the Township Clerk no later than March 31 of each year in order to grant or renew a Permit effective on June 1 of that year.
9. Each year, any pending Applications for renewal or amendment of existing Permits shall be reviewed and granted or denied before Applications for new Permits are considered.
10. No change in control of a business organization or any attempted transfer, sale, or other conveyance of an interest of more than 1% in a Permit or Permit Holder, whether through a single transaction or the combined sum of multiple transactions, is permitted unless the transferee has submitted an appropriate Application and all required fees under this Ordinance.

11. It is the sole and exclusive responsibility of each Applicant, Permit Holder, owner, partner, director, officer, or manager at all times during the Application period and during its operation to immediately provide the Township with all material changes to any of the information submitted on an Application and any other changes that may materially affect any state License or its Township Permit.
12. The Permit issued under this Ordinance shall be prominently displayed at the Permitted Premises in a location where it can be easily viewed by the public, law enforcement and administrative authorities.
13. Acceptance by the Permit Holder of a Permit constitutes consent by the Permit Holder and its owners, officers, managers, agents and employees for any state, federal or local law enforcement to conduct random and unannounced examinations of the Facility and all articles of property in that Facility at any time to ensure compliance with this Ordinance, any other local regulations, state or federal law, and with the Permit.
14. A Permit Holder may not engage in any other Commercial Medical Marihuana Facility in the Permitted Premises or on the Permitted Property, or in its name at any other location within the Township, without first obtaining a separate Permit.
15. No Permit shall be granted or renewed for a Commercial Medical Marihuana Facility in a residence or in any area of the Township where the predominant land uses within ¼ mile of the proposed Commercial Medical Marihuana Facility are residential.

SECTION 2: AMENDMENT TO SECTION 3 OF ORDINANCE 2017-9: Section 3 of the Township’s “Ordinance Authorizing and Permitting Commercial Medical Marihuana Facilities” also known as Ordinance 2017-9, is hereby amended to read as follows:

Section 3. Other Laws and Ordinances. In addition to the terms of this Ordinance, any Marihuana Facility shall comply with all applicable federal, state and local ordinances, laws, codes and regulations, including without limitation the Township Zoning Ordinance and the MRTMA to the extent such ordinances do not create obligations in conflict with this Ordinance.

SECTION 3: AMENDMENT TO SECTION 4 OF ORDINANCE 2017-9: Section 4 of the Township’s “Ordinance Authorizing and Permitting Commercial Medical Marihuana Facilities” also known as Ordinance 2017-9, is hereby amended to read as follows:

Section 4. Application for, Transfer of, and Renewal of Permits.

1. **Application.** An Application for a Permit for a Facility shall be submitted to the Clerk, and shall contain the following information:
 - a. The name, address, phone number and e-mail address of the Applicant and the proposed Commercial Medical Marihuana Facility;

- b. The names, home addresses and personal phone numbers for all owners, partners, directors, officers and managers of the Permit Holder and the Commercial Medical Marihuana Facility;
- c. Six (6) hard copies and one electronic copy in PDF format of all the following:
 - 1) Proof of a Valid Insurance Policy in the form demonstrating the coverage required by this Ordinance that will be obtained by the Applicant, if the Application is approved and a Permit is issued.
 - 2) All documentation showing the Applicant's valid tenancy, ownership or other legal interest in the proposed Permitted Property and Permitted Premises. If the Applicant is not the owner of the proposed Permitted Property and Permitted Premises, a notarized statement from the owner of such property authorizing the use of the property for a Commercial Medical Marihuana Facility.
 - 3) If the Applicant is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, a copy of all company formation documents (including amendments, bylaws, operating agreements, etc.), identify all owners and their percentage of ownership in the entity accounting for 100% of the ownership interest in the Applicant, proof of registration with the State of Michigan, and a certificate of good standing.
 - 4) A valid, unexpired driver's license or state issued ID for all owners, directors, officers and managers of the proposed Facility.
 - 5) Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.
 - 6) Application for Sign Permit, if any sign is proposed.
 - 7) Non-refundable Application fee.
 - 8) Business and Operations Plan, showing in detail the Commercial Medical Marihuana Facility's proposed plan of operation, including without limitation, the following:
 - i. A description of the type of Facility proposed and the anticipated or actual number of employees.
 - ii. A security plan meeting the requirements of this Ordinance, which shall include a general description of the security systems(s), current centrally alarmed and monitored security system service agreement for the proposed Permitted Premises, and confirmation that those systems will meet State requirements and be approved by the State prior to commencing operations.
 - iii. A description by category of all products to be sold.

- iv. All Material Safety Data Sheets for all nutrients, pesticides, and other chemicals proposed for use in the Commercial Medical Marihuana Facility.
 - v. A description and plan of all equipment and methods that will be employed to stop any impact to adjacent uses, including enforceable assurances that no odor will be detectable from outside of the Permitted Premises.
 - vi. A plan for the disposal of Marihuana and related byproducts that will be used at the Facility.
- 9) Signed and sealed (by Michigan registered architect, surveyor or professional engineer) site plan and interior floor plan of the Permitted Premises and the Permitted Property.
- 10) Identify any business that is directly or indirectly involved in the growing, processing, testing, transporting or sale of Marihuana for the Facility.
- 11) Whether any Applicant, owner, partner, director, officer, or manager of the Applicant or any entity owned or controlled by any owner, partner, director, officer, or manager of the Applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.
- 12) A complete list of all marihuana Permits and Licenses held by the Applicant, or any owner, partner, director, officer, or manager of the Applicant or any entity owned or controlled in whole or part by any owner, partner, director, officer, or manager of the Applicant whether Commercial Medical Marihuana Facilities or Marihuana Establishments, including complete copies of the issued Permits and Licenses.
- 13) Information regarding any other Commercial Medical Marihuana Facility, Marihuana Establishment, similar Permit or License, or any other marihuana business or venture that the Applicant, or any owner, partner, director, officer, or manager of the Applicant or any entity owned or controlled in whole or part by any owner, partner, director, officer, or manager of the Applicant is authorized to operate in any other jurisdiction within the State, or another State, and their involvement in each.
- d. Any documentation or information requested by the Township or the Review Board relevant to any review factors listed in this Ordinance that the Township would consider when evaluating the Application.
 - e. Applicant, its owners, managers, members, directors, and all related Persons acknowledge and consent to a background check and investigation by the Township

as a condition of the Township processing and reviewing the application for approval or denial of a permit, including providing their Social Security numbers or other personally identifying information to the Township or their agents for a background check or any other purpose permitted under this Ordinance. Such information is confidential to the extent permitted by the Michigan Freedom of Information Act and shall not be disclosed except as permitted or required under this Ordinance.

- f. Any other information reasonably requested by the Township deemed to be relevant to the processing or consideration of the Application.
 - g. A Renewal Application or Co-location Application may expressly incorporate by reference information or documentation contained in the original Permit Application or prior Permit Renewal Application, making it clear where such information or documentation can be found, provided that the information or documentation has not changed.
 - h. Information obtained from the Applicant or proposed Permit Holder is exempt from public disclosure under state law.
2. **Renewal Application.** The same requirements that apply to all new Applications for a Permit apply to all renewal Applications. Renewal Applications shall be submitted to and received by the Clerk not less than ninety (90) days prior to the expiration of the annual Permit, except that an Application requesting a change in the location of the Permitted Premises shall be submitted and received not less than one hundred twenty (120) days prior to the expiration of the Permit. A Permit Holder whose Permit expires and for which a complete renewal Application has not been received by the expiration date shall be deemed to have forfeited the Permit under this Ordinance. The Township will not accept renewal Applications after the expiration date of the Permit.
3. **Approval, Issuance, Denial and Appeal.** All inspections, review and processing of the Application shall be completed within ninety (90) days of receipt of a complete Application and all required fees. The Township Board shall approve or deny the Permit within one hundred twenty (120) days of receipt of the completed Application and fees, or within one hundred fifty (150) days if the location of the Permitted Premises is proposed to be amended. The processing time may be extended upon written notice by the Township for good cause, and any failure to meet the required processing time shall not result in the automatic grant of the Permit. Any denial must be in writing and must state the reason(s) for denial. Any final denial of a Permit may be appealed to a court of competent jurisdiction; provided that, the pendency of an appeal shall not stay or extend the expiration of any Permit. The Township has no obligation to process or approve any incomplete Application, and any times provided under this Ordinance shall not begin to run until the Township receives a complete Application, as determined by the Township Board. A determination of a complete Application shall not prohibit the Township from requiring supplemental information. If, in any particular year there are Available Permits and more Applications are received than there are Available Permits, completed Applications shall be evaluated by the Township Board according to the standards of this

Ordinance with Permits awarded to the most qualified Applicants as determined by the discretion of the Township Board after consideration of those factors.

4. Preliminary Review of Evaluation Factors by the Review Board.

- a. After receiving an Application, including any transfer Application, the Township Clerk shall forward that Application, along with any accompanying attachments or exhibits, to the Review Board for an initial review. The Review Board shall review all Applications according to the standards of this Ordinance, consistent with that Board's duties as described in the Township's Commercial Medical Marihuana Review Board Ordinance.
- b. In reviewing an Application requesting issuance of an Available Permit, the Review Board may consider and/or weigh the following factors:

1) Compliance Factors

- 1. The thoroughness of the Application, including compliance with all requirements established in this Ordinance, or any other regulation established by the Township.
- 2. Whether the Applicant has a history of non-compliance with the Township's ordinances or with other local, state, or federal laws.
- 3. Whether the Applicant has previously failed to pay taxes, special assessments, or other payments due to the Township.

2) Community Factors

- 1. Input from residents and surrounding business owners regarding the proposed Facility.
- 2. Whether the proposed Facility will negatively impact the character, aesthetics, safety, or welfare of surrounding businesses and neighborhoods.
- 3. The geographic location of the proposed Facility, including its proximity to densely populated areas or to other proposed or approved Facilities.
- 4. The suitability of the architectural and engineering design of the proposed Facility.
- 5. The increased policing requirements associated with the approval of the proposed Facility, including the costs of any such requirements.

6. Whether the Applicant has appropriately identified potential environmental issues, including steps to prevent or mitigate those issues.
7. Whether the Applicant and any of its stakeholders (if applicable) are persons of good character, honesty, and integrity, and who do not discredit or tend to discredit the public trust or otherwise pose a threat to the public health, safety, or welfare.

3) **Business Factors**

1. The ability of the Applicant to maintain effective control against diversion of Marijuana and Marijuana products.
 2. The capital available to the Applicant for compliance with the requirements of this Ordinance, including the need to install additional equipment, hire additional employees, or otherwise expend monies as unanticipated issues arise in connection with the proposed Facility.
 3. The Applicant's general business history, including any history with a pharmaceutical or retail sales environment, or, in the case of an application for a Grower's Permit, experience with horticultural or agriculture.
 4. The Applicant's demonstrated preparedness to provide appropriate employee working conditions, benefits, and specialized training.
 5. The Applicant's experience in the Medical Marijuana industry, including whether the Applicant has any experience in the growth, manufacturing, or transportation of Medical Marijuana or Medical Marijuana products.
 6. The Applicant's experience using inventory tracking systems, including seed to sale systems, as well as any recordkeeping experience.
 7. Other experience, training, or certification, possessed or undertaken by the Applicant that may be relevant to the operation of the proposed Facility.
- 4) Any other factor(s) that may affect the health, safety, and welfare or the best interests of the Township.
- c. After completing an initial review, the Review Board shall provide the Township Board with a written recommendation as to whether an Application should be approved, rejected, or approved with conditions.

- d. The Township Board shall then evaluate the Review Board's recommendation, and shall either approve the recommendation, reject the recommendation, or approve the recommendation with conditions. The determination of the Township Board as to each application shall be final.
5. **Applications for new Permits where no building is as yet in existence.** Any Applicant for a new Commercial Medical Marijuana Facility Permit whose building is not yet in existence at the time of the Township's initial approval shall have one year immediately following the date of the Township's initial approval to complete construction of the building, in accordance with applicable zoning ordinances, building codes, and any other applicable state or local laws, rules or regulations, and to commence business operations.
 6. **Transfer to a new Person or Permit Holder.** Any unauthorized transfer or attempted transfer of a Permit or ownership interest in a Permit Holder constitutes a violation of this Ordinance. No Permit issued under this Ordinance may be transferred to any Person, except as follows:
 - a. A Permit may only be transferred to any Person, also referred to as a transferee, if the Township determines that the proposed transferee meets all of the requirements of the Township Ordinance.
 - b. The Permit Holder and transferee shall provide written notice of the proposed transfer to the Township Board and the Review Board as well as a certified copy of the meeting minutes of the board of directors or members authorizing the transfer, sale, or conveyance of the Permit or, if the Permit Holder is a natural person, a notarized statement or other proof satisfactory to the Township authorizing the transfer.
 - c. The same requirements that apply to all new Applications for a Permit apply to all Applications to transfer, sell, or otherwise convey an existing Permit to a new legal entity or individual(s) and also apply to all change in control transfer Applications provided to the Clerk prior to any sale or transfer of stock or membership interest. Only after the transferee has applied for and obtained approval for the transfer, including without limitation the payment of the same fees for the transferred Permit as applies for a new Permit, may the Permit be transferred.
 - d. Written notice requesting a transfer to a transferee shall be submitted and received not less than one hundred twenty (120) days prior to the expiration of the Permit subject to transfer. The process for review and approval will be the same for reviewing Applications and issuing Permits under this Ordinance. If the request for transfer is denied and the Permit has expired, the Township must receive a renewal Application from the Permit Holder within thirty (30) days of the Township mailing notice to the Permitted Premises of the denial of the transfer. If a renewal Application is timely submitted with all required fees, the pre-existing Permit shall be extended until the Township Board takes action approving or denying the renewal Application.
 - e. The following actions constitute transfer of ownership and require a transfer application, application fee, and Township Board approval:

- 1) *Persons*. Any transfer of more than 1% of an ownership interest in an Applicant or Permit Holder between Persons constitutes a transfer of ownership.
 - 2) *Corporations*. Any transfer of more than 1% of stock or any change in principal officers or directors of any corporation holding a Permit constitutes a transfer of ownership.
 - 3) *Limited Liability Companies*. Any transfer of more than 1% of membership interest or any change in managing members or change in the interest held by any managing members(s) of any limited liability company holding a Permit constitutes a transfer of ownership.
 - 4) *Partnerships*. Any transfer of more than 1% of a partnership interest or any change in general or managing partners of any partnership holding a Permit constitutes a transfer of ownership.
 - 5) *Assets*. Any transfer of more than 1% of the assets held by an Applicant or Permit Holder within the Township constitutes a transfer of ownership.
- f. Notwithstanding any of the above, a Permit which is held by a corporation, company, or partnership may, during the ordinary renewal process, add or remove partners or shareholders in that business. Such an addition or removal will not render the Permit in question an Available Permit, but will remain subject to all review and approvals otherwise required by this Ordinance. The addition or removal of a shareholder or partner outside of the renewal process shall be subject to the requirements of transfer applications under this Ordinance.

7. Duty to Supplement.

- a. If, at any time before or after a Permit is issued pursuant to this Ordinance, any information required in the Permit Application, the MMFLA, or any rule or regulation promulgated thereunder, changes in any way from that which is stated in the Application, the Applicant or Licensee shall supplement such information in writing within ten (10) days from the date upon which such change occurs.
- b. An Applicant or Permit Holder has a duty to notify the Review Board in writing of any pending criminal charge, and any criminal conviction of a felony or other offense involving a crime of moral turpitude by the Applicant, any owner, officer, director, manager, or employee within ten (10) days of the event.
- c. An Applicant or Permit Holder has a duty to notify the Review Board in writing of any pending criminal charge, and any criminal conviction, whether a felony, misdemeanor, petty offense, or any violation of a local law related to the cultivation, processing, manufacture, storage, sale, distribution, testing or consumption of any form of Marihuana, the MMMA, the MMFLA, any building, fire, health or zoning

statute, code or ordinance related to the cultivation, processing, manufacture, storage, sale, distribution, testing or consumption of any form of Marihuana by the Applicant, any owner, officer, director, manager, or employee within (10) ten days of the event.

SECTION 4: AMENDMENT TO SECTION 5 OF ORDINANCE 2017-9: Section 5 of the Township’s “Ordinance Authorizing and Permitting Commercial Medical Marihuana Facilities” also known as Ordinance 2017-9, is hereby amended to read as follows:

Section 5. Operational Requirements – Commercial Medical Marihuana Facilities. A Commercial Medical Marihuana Facility issued a Permit under this Ordinance and operating in the Township shall at all times comply with the following operational requirements, which the Township Board may review and amend from time to time as it determines reasonable.

1. *Scope of Operation.* Commercial Medical Marihuana Facilities shall comply with all respective applicable codes of the local zoning, building, and health departments, except to the extent and manner that they are inconsistent with the MMFLA or this Ordinance. The Facility must hold a valid local Permit and License for the type of Commercial Medical Marihuana Facility intended to be carried out on the Permitted Property. The Facility operator, owner or Licensee must have documentation available that local and State sales tax requirements, including holding any licenses, if applicable, are satisfied.
2. *Required Documentation.* Each Commercial Medical Marihuana Facility shall be operated from the Permitted Premises on the Permitted Property. No Commercial Medical Marihuana Facility shall be permitted to operate from a moveable, mobile or transitory location, except for a Permitted and Licensed Secure Transporter when engaged in the lawful transport of Marihuana. No person under the age of eighteen (18) shall be allowed to enter into the Permitted Premises without a parent or legal guardian.
3. *Security.* Permit Holders shall at all times maintain a security system that meets State law requirements, and shall also include the following:
 - a. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Permitted Premises;
 - b. Robbery and burglary alarm systems which are professionally monitored and operated 24 hours a day, 7 days a week;
 - c. A locking vault permanently affixed to the Permitted Premises that shall store all Marihuana and cash remaining in the Facility overnight, except for Marihuana actively grown in a Grower Facility;
 - d. All Marihuana in whatever form stored at the Permitted Premises shall be kept in a secure manner and shall not be visible from outside the Permitted Premises, nor shall it be grown, processed, exchanged, displayed or dispensed outside the Permitted Premises; and

- e. All security recordings and documentation shall be preserved for at least 48 hours by the Permit Holder and made available to any law enforcement agency upon request for inspection.
 - f. In addition, a Secure Transport Facility shall also include the following security measures:
 - 1) The perimeter of the Permitted Premises shall be fenced;
 - 2) The Permitted Premises shall have exterior lighting, which shall be installed and shielded so as to not light any adjacent property;
 - 3) The Permitted Premises shall require access by using card readers for all entrances and exits; and
 - 4) Live security personnel shall be on the Permitted Premises 24 hours a day, 7 days a week.
4. *Required Spacing.* No Commercial Medical Marihuana Facility shall be located within one-thousand (1,000) feet from any educational institution or school, college or university, church, house of worship or other religious facility, public or private park, or other place of public assembly, if such uses are in existence at the time the Facility is established, with the minimum distance between uses measured horizontally between the nearest property lines.
5. *Required Road Frontage.* No Commercial Medical Marihuana Facility shall be located on any other road, street, or thoroughfare other than a Class A All-Season Road as designated by the Jackson County Road Commission.
6. *Co-location with Certain Commercial Medical Marihuana Facilities and Recreational Establishments.* Subject to underlying zoning restrictions, the following co-location is permitted:
- a. A Grower Facility, Processor Facility, or Provisioning Center may operate from within a single facility also operating with a Marihuana Grower, Marihuana Processor, or Marihuana Retailer operating pursuant to the MRTMA and applicable rules promulgated by the Department.
 - b. A Grower, Processor, or Provisioning Center may operate from within a single facility operating pursuant to the MMFLA and applicable rules promulgated by the Department.
 - c. Co-location of Facility Permits is permitted under applicable rules and regulations of the Department.
7. *Stacked License.* An Applicant for a Grower facility may apply to stack another Grower Permit at the Facility or Permitted Premises. The applicant shall be subject to the same requirements as a renewal permit application, including payment of a separate application

fee for each stacked permit. Permits or Licenses may only be stacked consistent with state law and the rules and regulations promulgated by the Department.

8. *Amount of Marihuana.* The amount of Marihuana on the Permitted Property and under the control of the Permit Holder, owner or operator of the Facility shall not exceed that amount permitted by the License or the Permit.
9. *Sale of Marihuana.* The Marihuana offered for sale and distribution must be packaged and labeled in accordance with state law. The Facility is prohibited from selling, soliciting or receiving orders for Marihuana or Marihuana Products over the internet.
10. *Sign Restrictions.* No pictures, photographs, drawings or other depictions of Marihuana or Marihuana Paraphernalia shall appear on the outside of any Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property. The words “Marihuana,” “cannabis” and any other words used or intended to convey the presence or availability of Marihuana shall not appear on the outside of the Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property.
11. *Use of Marihuana.* The sale, consumption or use of alcohol or tobacco products on the Permitted Premises is prohibited. Smoking or consumption of controlled substances, including Marihuana, on the Permitted Premises is prohibited.
12. *Indoor Operation.* All activities of Commercial Medical Marihuana Facilities, including without limitation, distribution, growth, cultivation, or the sale of Marihuana, and all other related activity permitted under the Permit Holder’s License or Permit must occur indoors. The Facility’s operation and design shall minimize any impact to adjacent uses, including the control of any odor by maintaining and operating an air filtration system so that no odor is detectable outside the Permitted Premises.
13. *Unpermitted Growing.* A Patient may not grow his or her own Marihuana at a Commercial Medical Marihuana Facility.
14. *Distribution.* No person operating a Facility shall provide or otherwise make available Marihuana to any person who is not legally authorized to receive Marihuana under state law.
15. *Permits.* All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the Permitted Premises in which electrical, wiring, lighting or watering devices that support the cultivation, growing, harvesting or testing of Marihuana are located.
16. *Waste Disposal.* The Permit Holder, owner and operator of the Facility shall use lawful methods in controlling waste or by-products from any activities allowed under the License or Permit.
17. *Transportation.* Marihuana may be transported by a Secure Transporter within the Township under this Ordinance, and to effectuate its purpose, only:

- a. By Persons who are otherwise authorized by state law to possess Marihuana for medical purposes;
- b. In a manner consistent with all applicable state laws and rules, as amended;
- c. In a secure manner designed to prevent the loss of the Marihuana;
- d. No vehicle used for the transportation or delivery of Marihuana under this Ordinance shall have for markings the words “Marihuana”, “cannabis” or any similar words; pictures or other renderings of the Marihuana plant; advertisements for Marihuana or for its sale, transfer, cultivation, delivery, transportation or manufacture, or any other word, phrase or symbol indicating or tending to indicate that the vehicle is transporting Marihuana.
- e. No vehicle may be used for the ongoing or continuous storage of Marihuana, but may only be used incidental to, and in furtherance of, the transportation of Marihuana.
- f. All vehicles, when not in use, must be stored inside the Permitted Premise.

18. *Required Insurance.* The Permit Holder shall obtain a Valid Insurance Policy consistent with this Ordinance and its Application prior to commencement of construction or operation at the Permitted Premises. The Permit Holder shall maintain the Valid Insurance Policy during operation of the Commercial Medical Marihuana Facility at the Permitted Premises consistent with this Ordinance.

19. *Additional Conditions.* The Township Board may impose such reasonable terms and conditions on a Commercial Medical Marihuana Facility special use as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Ordinance and applicable law.

SECTION 5: AMENDMENT TO SECTION 8 OF ORDINANCE 2017-9: Section 8 of the Township’s “Ordinance Authorizing and Permitting Commercial Medical Marihuana Facilities” also known as Ordinance 2017-9, is hereby amended to read as follows

Section 8. Penalties and Consequences for Violation. In addition to any other penalties or legal consequences provided under applicable federal, state and local law, regulations, codes and ordinances:

- 1. Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of the requirements of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$500.00, or imprisoned for not more than 90 days, or both, and, in addition, shall pay all costs and expenses involved. Each day such violation continues shall be considered a separate offense.
- 2. Violations of the provisions of this Ordinance or failure to comply with any of the

requirements of this Ordinance shall be subject to and found responsible for a municipal civil infraction. The forfeiture for any municipal civil infraction shall be five hundred dollars (\$500.00) plus court costs, attorney fees and abatement costs of each violation, together with all other remedies pursuant to MCL 600.8701, *et seq.* Each day a violation continues shall be deemed a separate municipal civil infraction.

3. A Permit issued under this Ordinance may be denied, limited, revoked, or restricted under any of the following conditions:
 - a. Any fraudulent, false, misleading, or material misrepresentation contained in the Application.
 - b. Repeat violations of any requirements of this Ordinance or other applicable law, rule, or regulation. As used in this subsection, the term “repeat offense” means a second (or any subsequent) misdemeanor violation or civil infraction of the same requirement or provision committed within any six-month period and upon conviction or responsibility thereof.
 - c. A valid License is not maintained as required by this Ordinance.
 - d. The Permit Holder, its agent, manager, or employee failed to timely submit any document or failed to timely make any material disclosure as required by this Ordinance.
4. If a Permit is revoked or limited under this Ordinance, the Township or its designee shall issue a notice stating the revocation, limitation, or restriction including the reason for the action and providing a date and time for an evidentiary hearing before the Township Board.
5. The owner of record or tenant of any building, structure or premises, or part thereof, and any architect, builder, contractor, agent or person who commits, participates in, assists in or maintains such violation may each be found guilty or responsible of a separate offense and suffer the penalties and forfeitures provided in subsections (1) and (2) of this section, except as excluded from responsibility by state law.
6. In addition to any other remedies, the Township may institute proceedings for injunction, mandamus, abatement or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, jail sentence or forfeiture shall not exempt the violator from compliance with the provisions of this Ordinance.

SECTION 6. SEVERABILITY. The provisions of this Ordinance are hereby declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

SECTION 7. SAVINGS CLAUSE. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 8. REPEAL. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 9. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days following this publication.

YEAS: Chamberlain, Dermeyer, Engelke, Mohney, Spangler

NAYS: None

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED.

Wendy Chamberlain
Wendy Chamberlain, Township Supervisor

PARMA TOWNSHIP
JACKSON COUNTY, MICHIGAN

ORDINANCE AMENDING
RECREATIONAL MARIHUANA ESTABLISHMENTS

ORDINANCE NO. 2019-14A

At a regular meeting of the Township Board of Parma Township, Jackson County, Michigan, held at the Parma Township Hall on Oct 7, 2019, at 7:00 p.m., Township Board Member Chamberlain moved to adopt the following Ordinance, which motion was seconded by Township Board Member Dermeyer:

An Ordinance to implement the provisions of the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, which authorizes the licensing and regulation of Recreational Marihuana Establishments and affords the Township the option whether or not to allow Recreational Marihuana Establishments; to regulate Recreational Marihuana Establishments by requiring a Permit and compliance with requirements as provided in this Ordinance, in order to maintain the public health, safety and welfare of the residents and visitors to the Township.

THE TOWNSHIP OF PARMA ORDAINS:

SECTION 1. AMENDMENT TO SECTION 1. Section 1 of Ordinance No 2019-14 shall be amended to read as follows:

Section 1. Definitions. The following words and phrases shall have the following definitions when used in this Ordinance:

1. "Act" means the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 *et seq.*
2. "Application" means an Application for a Permit under this Ordinance and includes all supplemental documentation attached or required to be attached thereto; the Person filing the Application shall be known as the "Applicant."
3. "Available Permit" means a Permit that may be issued by the Township without exceeding the maximum number of Permits according to this Ordinance. A Permit currently in effect and available for renewal shall not be considered an Available Permit unless a renewal application has not been filed or granted as required by this Ordinance.
4. "Marihuana Establishment" or "Establishment" means one of the following:
 - a. "Retailer," as that term is defined in the Act;
 - b. "Processor," as that term is defined in the Act;

- c. “*Secure Transporter*,” as that term in the Act;
 - d. “*Grower*,” including *Class A*, *Class B* and *Class C*, as those terms are defined in the Act;
 - e. “*Safety Compliance Facility*,” as that term is defined in the Act;
 - f. “*Microbusiness*” as that term is defined in the Act;
 - g. “Designated consumption establishment,” as that term is defined by the Department;
 - h. “Excess marihuana grower,” as that term is defined by the Department;
 - i. “Marihuana event organizer,” as that term is defined by the Department; and
 - j. “Temporary marihuana event” as that term is defined by the Department.
5. “*Department*” means the Michigan State Department of Licensing and Regulatory Affairs or any designated Michigan agency authorized to regulate, issue or administer a Michigan License for a Marihuana Establishment.
 6. “*License*” means a current and valid License for a Marihuana Establishment issued by the State of Michigan.
 7. “*Licensee*” means a Person holding a current and valid Michigan License for a Marihuana Establishment.
 8. “*Marihuana*” means that term as defined in the Act.
 9. “*Medical Marihuana*” means that term as defined in MCL 333.27953(e).
 10. “*Marihuana Accessories*” means that term as defined in the Act.
 11. “*Paraphernalia*” means drug paraphernalia as defined in section 7451 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7451, that is or may be used in association with Marihuana.
 12. “*Permit*” means a current and valid Permit for a Marihuana Establishment issued under this Ordinance, which shall be granted to a Permit Holder only for and limited to a specific Permitted Premises and a specific Permitted Property. Said Permit shall be in addition to the Special Use Permit required to be obtained under the Township Zoning Ordinance.
 13. “*Permit Holder*” means the Person that holds a current and valid Permit issued under this Ordinance.

14. *“Permitted Premises”* means the particular building or buildings within which the Permit Holder will be authorized to conduct the Establishment’s activities pursuant to the Permit.
15. *“Permitted Property”* means the real property comprised of a lot, parcel or other designated unit of real property upon which the Permitted Premises is situated.
16. *“Person”* means a natural person, company, partnership, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose.
17. *“Public Place”* means any area in which the public is invited or generally permitted in the usual course of business.
18. *“Review Board”* means the Parma Township Marijuana Review Board as established by the Parma Township Marijuana Review Board Ordinance.
19. *“Valid Insurance Policy”* means a commercial general liability insurance policy satisfactory to the Township Board.

SECTION 2. AMENDMENT TO SECTION 2. Section 2 of Ordinance No 2019-14 shall be amended to read as follows:

Section 2. Permit Required; Number of Permits Available; Eligibility; General Provisions.

1. The Township hereby authorizes the operation of the following types of Marijuana Establishments, subject to the number of available Permits issued in this Section:
 - a. Growers, Class C
 - b. Processors
 - c. Secure Transporters
 - d. Retailers
 - e. Temporary Marijuana Events
2. The number of Marijuana Establishment Permits in effect at any time shall not exceed the following maximums within the Township:
 - a. Grower Permits, Class C: 2
 - b. Processor Permits: 2
 - c. Secure Transporter Permits: 1
 - d. Retailer Permits: 2

- e. Temporary Marihuana Events: As approved under the Township's Ordinance No. 2018-15.
 - f. Grower, Class A: 0
 - g. Grower, Class B: 0
 - h. Safety Compliance Facility: 0
 - i. Microbusiness: 0
 - j. Designated consumption establishment: 0
 - k. Excess Marihuana Grower: 0
 - l. Marihuana Event Organizer: 0
3. It shall be unlawful for any person to engage in, or be issued a Permit for, the operation of the following Marihuana Establishments:
- a. Growers, Class A
 - b. Growers, Class B
 - c. Microbusiness
 - d. Safety Compliance Facility
 - e. Designated Consumption Establishment
 - f. Excess Marihuana Grower
 - g. Marihuana Event Organizer
4. No person shall operate a Marihuana Establishment at any time or any location within the Township unless a currently-effective Permit for that person at that location has been issued under this Ordinance.
5. Marihuana Establishments shall operate only as allowed under this Ordinance.
6. The requirements set forth in this Ordinance shall be in addition to, and not in lieu of, any other licensing or permitting requirements imposed by applicable federal, state or local laws, regulations, codes or ordinances.
7. At the time of Application, each Applicant shall pay an annual Application fee for a Permit to the Township to defray the costs incurred by the Township for inspection, administration and enforcement of the local regulations regarding Marihuana Establishments. The Township Board shall by resolution set the fees in an amount not to exceed any limitations imposed by Michigan law. All fees paid by an Applicant are

nonrefundable, regardless of whether an Applicant receives a Permit. If the Township grants a Permit for a period less than one (1) year, the Township shall pro-rate the annual fee in such a way that an Applicant only pays the portion of that fee corresponding to the number of months the Permit is valid, with partial months being treated as a full month for purposes of this calculation.

8. A Permit and a renewal Permit shall not confer any vested rights or reasonable expectation of subsequent renewal on the Applicant or Permit Holder, and shall remain valid only until the June 1 immediately following its approval. A completed Application or Renewal Application must be received by the Township Clerk no later than March 31 of each year in order to grant or renew a Permit effective on June 1 of that year.
9. Each year, any pending Applications for renewal or amendment of existing Permits shall be reviewed and granted or denied before Applications for new Permits are considered.
10. No change in control of a business organization or any attempted transfer, sale, or other conveyance of an interest of more than 1% in a Permit or Permit Holder, whether through a single transaction or the combined sum of multiple transactions, is permitted unless the transferee has submitted an appropriate Application and all required fees under this Ordinance.
11. It is the sole and exclusive responsibility of each Applicant, Permit Holder, owner, partner, director, officer, or manager at all times during the Application period and during its operation to immediately provide the Township with all material changes to any of the information submitted on an Application and any other changes that may materially affect any state License or its Township Permit.
12. The Permit issued under this Ordinance shall be prominently displayed at the Permitted Premises in a location where it can be easily viewed by the public, law enforcement, and administrative authorities.
13. Acceptance by the Permit Holder of a Permit constitutes consent by the Permit Holder and its owners, officers, managers, agents and employees for any state, federal or local law enforcement to conduct random and unannounced examinations of the Establishment and all articles of property in that Establishment at any time to ensure compliance with this Ordinance, any other local regulations, state or federal law, and with the Permit.
14. A Permit Holder may not engage in any other Marihuana Establishment in the Permitted Premises or on the Permitted Property, or in its name at any other location within the Township, without first obtaining a separate Permit.

SECTION 3. AMENDMENT TO SECTION 3. Section 3 of Ordinance No 2019-17 shall be amended to read as follows:

Section 3. Other Laws and Ordinances. In addition to the terms of this Ordinance, any Marihuana Establishment shall comply with all applicable federal, state and local ordinances, laws, codes and regulations, including without limitation the Township Zoning Ordinance

and the MRTMA to the extent such ordinances do not create obligations in conflict with this Ordinance.

SECTION 4. AMENDMENT TO SECTION 4. Section 4 of Ordinance No. 2017-14 shall be amended to read as follows:

Section 4. Application for, Transfer of, and Renewal of Permits.

1. **Application.** An Application for a Permit for an Establishment shall be submitted to the Clerk, and shall contain the following information:
 - a. The name, address, phone number and e-mail address of the Applicant and the proposed Marihuana Establishment;
 - b. The names, home addresses and personal phone numbers for all owners, partners, directors, officers, and managers of the Permit Holder and the Marihuana Establishment;
 - c. Six (6) hard copies and one electronic copy in PDF format of all the following:
 - 1) Proof of a Valid Insurance Policy in the form demonstrating the coverage required by this Ordinance that will be obtained by the Applicant, if the Application is approved and a Permit is issued.
 - 2) All documentation showing the Applicant's valid tenancy, ownership or other legal interest in the proposed Permitted Property and Permitted Premises. If the Applicant is not the owner of the proposed Permitted Property and Permitted Premises, a notarized statement from the owner of such property authorizing the use of the property for a Marihuana Establishment.
 - 3) If the Applicant is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, a copy of all company formation documents (including amendments, bylaws, operating agreements, etc.), identify all owners and their percentage of ownership in the entity accounting for 100% of the ownership interest in the Applicant, proof of registration with the State of Michigan, and a certificate of good standing.
 - 4) A valid, unexpired driver's license or state issued ID for all owners, directors, officers and managers of the proposed Establishment.
 - 5) Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.
 - 6) Application for Sign Permit, if any sign is proposed.
 - 7) Non-refundable Application fee.

- 8) Business and Operations Plan, showing in detail the Marihuana Establishment's proposed plan of operation, including without limitation, the following:
 - i. A description of the type of Establishment proposed and the anticipated or actual number of employees.
 - ii. A security plan meeting the requirements of this Ordinance, which shall include a general description of the security systems(s), current centrally alarmed and monitored security system service agreement for the proposed Permitted Premises, and confirmation that those systems will meet State requirements and be approved by the State prior to commencing operations.
 - iii. A description by category of all products to be sold.
 - iv. All Material Safety Data Sheets for all nutrients, pesticides, and other chemicals proposed for use in the Marihuana Establishment.
 - v. A description and plan of all equipment and methods that will be employed to stop any impact to adjacent uses, including enforceable assurances that no odor will be detectable from outside of the Permitted Premises.
 - vi. A plan for the disposal of Marihuana and related byproducts that will be used at the Establishment.
- 9) Signed and sealed (by Michigan registered architect, surveyor or professional engineer) site plan and interior floor plan of the Permitted Premises and the Permitted Property.
- 10) Identify any business that is directly or indirectly involved in the growing, processing, testing, transporting or sale of Marihuana for the Establishment.
- 11) Whether any Applicant, owner, partner, director, officer, or manager of the Applicant or any entity owned or controlled by any owner, partner, director, officer, or manager of the Applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.
- 12) A complete list of all marihuana Permits and Licenses held by the Applicant, or any owner, partner, director, officer, or manager of the Applicant or any entity owned or controlled in whole or part by any owner, partner, director, officer, or manager of the Applicant whether Commercial Medical Marihuana Facilities or Marihuana Establishments, including complete copies of the issued Permits and Licenses.

- 13) Information regarding any other Commercial Medical Marihuana Facility, Marihuana Establishment, similar Permit or License, or any other marihuana business or venture that the Applicant, or any owner, partner, director, officer, or manager of the Applicant or any entity owned or controlled in whole or part by any owner, partner, director, officer, or manager of the Applicant is authorized to operate in any other jurisdiction within the State, or another State, and their involvement in each.
 - d. Any documentation or information requested by the Township or the Review Board relevant to any review factors listed in this Ordinance that the Township would consider when evaluating the Application.
 - e. Applicant, its owners, managers, members, directors, and all related Persons acknowledge and consent to a background check and investigation by the Township as a condition of the Township processing and reviewing the application for approval or denial of a permit, including providing their Social Security numbers or other personally identifying information to the Township or their agents for a background check or any other purpose permitted under this Ordinance. Such information is confidential to the extent permitted by the Michigan Freedom of Information Act or other applicable state law and shall not be disclosed except as permitted or required under this Ordinance.
 - f. Any other information reasonably requested by the Township deemed to be relevant to the processing or consideration of the Application.
 - g. A Renewal Application or Co-location Application may expressly incorporate by reference information or documentation contained in the original Permit Application or prior Permit Renewal Application, making it clear where such information or documentation can be found, provided that the information or documentation has not changed.
 - h. Information obtained from the Applicant or Permit Holder is exempt from public disclosure under state law.
2. **Temporary Marihuana Event Permit Application Requirements.** An application for a temporary marihuana event permit shall be submitted to the Township at least 120 days before the first day of the temporary marihuana event. Applications for Temporary Marihuana Event Permits shall submit the following information, at a minimum:
- a. A copy of the Applicant's currently valid state marihuana event organizer license;
 - b. The address or parcel number of the site(s) at which the proposed event is to be conducted.
 - c. The date or dates and hours during which the proposed event is to be conducted.

- d. A complete Parma Township Large Gathering application, including the Large Gathering non-refundable application fee.
 - e. Any other information reasonably requested by the Township to be relevant to the processing or consideration of the Application.
 - f. Any material submitted to the Department for a temporary marihuana event license under Rule 62 or other applicable rule from the Department.
3. **Renewal Application.** The same requirements that apply to all new Applications for a Permit apply to all renewal Applications. Renewal Applications shall be submitted to and received by the Clerk not less than ninety (90) days prior to the expiration of the annual Permit. A Permit Holder whose Permit expires and for which a complete renewal Application has not been received by the expiration date shall be deemed to have forfeited the Permit under this Ordinance. The Township will not accept renewal Applications after the expiration date of the Permit.
4. **Approval, Issuance, Denial and Appeal.** All inspections, review and processing of the Application shall be completed within sixty (60) days of receipt of a complete Application and all required fees. The Township Board shall approve or deny the Permit within ninety (90) days of receipt of the completed Application and fees. This time period may be extended by Applicant upon the submission of a signed, notarized statement granting the Township additional time for review. Any denial except an automatic denial must be in writing and must state the reason(s) for denial. Any final denial of a Permit may be appealed to a court of competent jurisdiction; provided that, the pendency of an appeal shall not stay or extend the expiration of any Permit. The Township has no obligation to process or approve any incomplete Application, and any times provided under this Ordinance shall not begin to run until the Township receives a complete Application, as determined by the Township Board. A determination of a complete Application shall not prohibit the Township from requiring supplemental information. If, in any particular year there are Available Permits and more Applications are received than there are Available Permits, completed Applications shall be evaluated by the Township Board according to the standards of this Ordinance, with Permits awarded to the most qualified Applicants as determined by the discretion of the Township Board after consideration of those factors.
5. **Preliminary Review of Evaluation Factors by the Review Board.**
- a. After receiving an Application, including any transfer Application, the Township Clerk shall forward that Application, along with any accompanying attachments or exhibits, to the Review Board for an initial review. The Review Board shall review all Applications according to the standards of this Ordinance, consistent with that Board's duties as described in the Township's Marihuana Review Board Ordinance.
 - b. In reviewing an Application requesting issuance of an Available Permit, the Review Board may consider and weigh the following factors:

1) Compliance Factors

1. The thoroughness of the Application, including compliance with all requirements established in this Ordinance, or any other regulation established by the Township.
2. Whether the Applicant holds a state operating license pursuant to the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016. Current licensees shall generally be given a strong preference over new Applicants.
3. Whether the Applicant has a history of non-compliance with the Township's ordinances or with other local, state, or federal laws.
4. Whether the Applicant has previously failed to pay taxes, special assessments, or other payments due to the Township.

2) Community Factors

1. Input from residents and surrounding business owners regarding the proposed Establishment.
2. Whether the proposed Establishment will negatively impact the character, aesthetics, safety, or welfare of surrounding businesses and neighborhoods.
3. The geographic location of the proposed Establishment, including its proximity to densely populated areas or to other proposed or approved, non-co-located Establishments.
4. The suitability of the architectural and engineering design of the proposed Establishment.
5. The increased policing requirements associated with the approval of the proposed Establishment, including the costs of any such requirements.
6. Whether the Applicant has appropriately identified potential environmental issues, including steps to prevent or mitigate those issues.

3) Business Factors

1. The ability of the Applicant to maintain effective control against diversion of Marihuana and Marihuana products.
2. The capital available to the Applicant for compliance with the requirements of this Ordinance, including the need to install additional

equipment, hire additional employees, or otherwise expend monies as unanticipated issues arise in connection with the proposed Establishment.

3. The Applicant's general business history, including any history with a pharmaceutical or retail sales environment, or, in the case of an application for a Grower's Permit, experience with horticulture or agriculture. Experience in the Marijuana industry, including experience in the growth, manufacturing, or transportation of Marijuana or Marijuana products is particularly relevant, and will generally be viewed favorably.
 4. The Applicant's demonstrated preparedness to provide appropriate employee working conditions, benefits, and specialized training.
 5. The Applicant's experience using inventory tracking systems, including seed to sale systems, as well as any recordkeeping experience.
 6. Other experience, training, or certification, possessed or undertaken by the Applicant that may be relevant to the operation of the proposed Establishment.
 7. Whether the Applicant has already applied for or received a permit to operate a Commercial Medical Marijuana Facility within the Township. Current permit holders, operating in compliance with applicable law, should generally receive a strong preference over new Applicants.
 8. Whether the Applicant intends to co-locate an Establishment with an existing Commercial Medical Marijuana Facility or Marijuana Establishment within the Township. Co-location, unless inconsistent with law or regulation, is generally favored, particularly in the case of co-location of Marijuana Establishments and their correlated Commercial Medical Marijuana Facility (where applicable).
- 4) Any other factor(s) that may affect the health, safety, and welfare or the best interests of the Township.
- c. After completing an initial review, the Review Board shall provide the Township Board with a written recommendation as to whether an Application should be approved, rejected, or approved with conditions.
 - d. The Township Board shall then evaluate the Review Board's recommendation, and shall either approve the recommendation, reject the recommendation, or approve the recommendation with conditions. The determination of the Township Board as to each application shall be final.

6. **Applications for new Permits where no building is as yet in existence.** Any Applicant for a new Permit whose building is not yet in existence at the time of the Township's initial approval shall have one year immediately following the date of the Township's initial approval to complete construction of the building, in accordance with applicable zoning ordinances, building codes, and any other applicable state or local laws, rules or regulations, and to commence business operations. The Township Board may grant an extension allowing an additional year upon a request by the applicant and good cause shown.
7. **Transfer to a new Person or Permit Holder.** Any unauthorized transfer or attempted transfer of a Permit or ownership interest in a Permit Holder constitutes a violation of this Ordinance. No Permit issued under this Ordinance may be transferred to any Person, except as follows:
 - a. A Permit may only be transferred to any Person, also referred to as a transferee, if the Township determines that the proposed transferee meets all of the requirements of the Township ordinances.
 - b. The Permit Holder and transferee shall provide written notice of the proposed transfer to the Township Board and the Review Board as well as a certified copy of the meeting minutes of the board of directors or members authorizing the transfer, sale, or conveyance of the Permit or, if the Permit Holder is a natural person, a notarized statement or other proof satisfactory to the Township authorizing the transfer.
 - c. The same requirements that apply to all new Applications for a Permit apply to all Applications to transfer, sell, or otherwise convey an existing Permit to a new legal entity or individual(s) and also apply to all change in control transfer Applications to the Clerk prior to any sale or transfer of stock or membership interest. Only after the transferee has applied for and obtained approval for the transfer, including without limitation the payment of the same fees for the transferred Permit as applies for a new Permit, may the Permit be transferred.
 - d. Written notice requesting a transfer to a transferee shall be submitted and received not less than one hundred twenty (120) days prior to the expiration of the Permit subject to transfer. The process for review and approval will be the same for reviewing Applications and issuing Permits under this Ordinance. If the request for transfer is denied and the Permit has expired, the Township must receive a renewal Application from the Permit Holder within thirty (30) days of the Township mailing notice to the Permitted Premises of the denial of the transfer. If a renewal Application is timely submitted with all required fees, the pre-existing Permit shall be extended until the Township Board takes action approving or denying the renewal Application.
 - e. The following actions constitute transfer of ownership and require a transfer application, application fee, and Township Board approval:
 - 1) *Persons.* Any transfer of more than 1% of an ownership interest in an Applicant or Permit Holder between Persons constitutes a transfer of ownership.

- 2) *Corporations*. Any transfer of more than 1% of stock or any change in principal officers or directors of any corporation holding a Permit constitutes a transfer of ownership.
 - 3) *Limited Liability Companies*. Any transfer of more than 1% of membership interest or any change in managing members or change in the interest held by any managing members(s) of any limited liability company holding a Permit constitutes a transfer of ownership.
 - 4) *Partnerships*. Any transfer of more than 1% of a partnership interest or any change in general or managing partners of any partnership holding a Permit constitutes a transfer of ownership.
 - 5) *Assets*. Any transfer of more than 1% of the assets held by an Applicant or Permit Holder within the Township constitutes a transfer of ownership.
- f. Notwithstanding any of the above, a Permit which is held by a corporation, company, or partnership may, during the ordinary renewal process, add or remove partners or shareholders in that business. Such an addition or removal will not render the Permit in question an Available Permit, but will remain subject to all review and approvals otherwise required by this Ordinance. The addition or removal of a shareholder or partner outside of the renewal process shall be subject to the requirements of transfer applications under this Ordinance.

8. Duty to Supplement.

- a. If, at any time before or after a Permit is issued pursuant to this Ordinance, any information required in the Permit Application, the Act, or any rule or regulation promulgated thereunder, changes in any way from that which is stated in the Application, the Applicant or Licensee shall supplement such information in writing within ten (10) days from the date upon which such change occurs.
- b. An Applicant or Permit Holder has a duty to notify the Review Board in writing of any pending criminal charge, and any criminal conviction of a felony or other offense involving a crime of moral turpitude by the Applicant, any owner, officer, director, manager, or employee within ten (10) days of the event.
- c. An Applicant or Permit Holder has a duty to notify the Review Board in writing of any pending criminal charge, and any criminal conviction, whether a felony, misdemeanor, petty offense, or any violation of a local law related to the cultivation, processing, manufacture, storage, sale, distribution, testing or consumption of any form of Marihuana, any building, fire, health or zoning statute, code or ordinance related to the cultivation, processing, manufacture, storage, sale, distribution, testing or consumption of any form of Marihuana by the Applicant, any owner, officer, director, manager, or employee within (10) ten days of the event.

SECTION 5. AMENDMENT TO SECTION 5. Section 5 of Ordinance No 2017-14 shall be amended to read as follows:

Section 5. Operational Requirements – Marihuana Establishments. A Marihuana Establishment issued a Permit under this Ordinance and operating in the Township shall at all times comply with the following operational requirements, which the Township Board may review and amend from time to time as it determines reasonable.

1. *Scope of Operation.* Marihuana Establishments shall comply with all respective applicable codes of the local zoning, building, and health departments, except to the extent and manner that they are inconsistent with the Act or this Ordinance. The Establishment must hold a valid local Permit and License for the type of Marihuana Establishment intended to be carried out on the Permitted Property. The Establishment operator, owner or Licensee must have documentation available that local and State sales tax requirements, including holding any licenses, if applicable, are satisfied.
2. *Access Control.* Each Marihuana Establishment shall be operated from the Permitted Premises on the Permitted Property. No Marihuana Establishment shall be permitted to operate from a moveable, mobile or transitory location, except for a Permitted and Licensed Secure Transporter when engaged in the lawful transport of Marihuana. No person under the age of twenty-one (21) shall be allowed to enter into the Permitted Premises without a parent or legal guardian.
3. *Security.* Permit Holders shall at all times maintain a security system that meets the requirements of state law, and shall also include the following:
 - a. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Permitted Premises;
 - b. Robbery and burglary alarm systems which are professionally monitored and operated 24 hours a day, 7 days a week;
 - c. A locking vault permanently affixed to the Permitted Premises that shall store all Marihuana and cash remaining in the Establishment overnight, except for Marihuana actively grown in a Grower Establishment;
 - d. All Marihuana in whatever form stored at the Permitted Premises shall be kept in a secure manner and shall not be visible from outside the Permitted Premises, nor shall it be grown, processed, exchanged, displayed or dispensed outside the Permitted Premises; and
 - e. All security recordings and documentation shall be preserved for at least 48 hours by the Permit Holder and made available to any law enforcement agency upon request for inspection.

- f. In addition, a Secure Transport Establishment shall also include the following security measures:
- 1) The perimeter of the Permitted Premises shall be fenced;
 - 2) The Permitted Premises shall have exterior lighting, which shall be installed and shielded so as to not light any adjacent property;
 - 3) The Permitted Premises shall require access by using card readers for all entrances and exits; and
 - 4) Live security personnel shall be on the Permitted Premises 24 hours a day, 7 days a week.
4. *Required Spacing.* No Marihuana Establishment shall be located within one-thousand (1,000) feet from any educational institution or school, college or university, church, house of worship or other religious facility, public or private park, or other place of public assembly, if such uses are in existence at the time the Establishment is established, with the minimum distance between uses measured horizontally between the nearest property lines.
5. *Required Road Frontage.* No Marihuana Establishment shall be located on any other road, street, or thoroughfare other than a Class A All-Season Road as designated by the Jackson County Road Commission.
6. *Co-location with Certain Commercial Medical Marihuana Facilities and Recreational Establishments.* Subject to underlying zoning restrictions, the following co-location is permitted:
- a. A Grower Establishment, Processor Establishment, or Provisioning Center may operate from within a single facility also operating with a Marihuana Grower, Marihuana Processor, or Marihuana Retailer operating pursuant to the MRTMA and applicable rules promulgated by the Department.
 - b. A Marihuana Grower, Marihuana Processor, or Marihuana Retailer, may operate from within a single facility operating pursuant to the MRTMA and applicable rules promulgated by the Department.
 - c. Co-location of Establishment Permits is permitted under applicable rules and regulations of the Department.
7. *Stacked License.* An Applicant for a Grower Establishment may apply to stack another Grower Permit at the Establishment or Permitted Premises. The applicant shall be subject to the same requirements as a renewal permit application, including payment of a separate application fee for each stacked permit. Permits or Licenses may only be stacked consistent with state law and the rules and regulations promulgated by the Department.

8. *Amount of Marihuana.* The amount of Marihuana on the Permitted Property and under the control of the Permit Holder, owner or operator of the Establishment shall not exceed that amount permitted by the License or the Permit.
9. *Sale of Marihuana.* The Marihuana offered for sale and distribution must be packaged and labeled in accordance with state law and regulation. The Establishment is prohibited from selling, soliciting or receiving orders for Marihuana or Marihuana Products over the internet.
10. *Sign Restrictions.* No pictures, photographs, drawings or other depictions of Marihuana or Marihuana Paraphernalia shall appear on the outside of any Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property. The words “Marihuana,” “cannabis” and any other words used or intended to convey the presence or availability of Marihuana shall not appear on the outside of the Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property.
11. *Use of Marihuana.* The sale, consumption or use of alcohol or tobacco products on the Permitted Premises is prohibited. Smoking or consumption of controlled substances, including Marihuana, on the Permitted Premises is prohibited, except that Marihuana may be consumed on the premises of a temporary marihuana event.
12. *Indoor Operation.* All activities of Marihuana Establishments, including without limitation, distribution, growth, cultivation, or the sale of Marihuana, and all other related activity permitted under the Permit Holder’s License or Permit must occur indoors. The Establishment’s operation and design shall minimize any impact to adjacent uses, including the control of any odor by maintaining and operating an air filtration system so that no odor is detectable outside the Permitted Premises.
13. *Unpermitted Growing.* A person may not grow his or her own Marihuana at a Marihuana Establishment.
14. *Distribution.* No person operating an Establishment shall provide or otherwise make available Marihuana to any person who is not legally authorized to receive Marihuana under state law.
15. *Permits.* All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the Permitted Premises in which electrical, wiring, lighting or watering devices that support the cultivation, growing, harvesting or testing of Marihuana are located.
16. *Waste Disposal.* The Permit Holder, owner and operator of the Establishment shall use lawful methods in controlling waste or by-products from any activities allowed under the License or Permit.
17. *Transportation.* Marihuana may be transported by a Secure Transporter within the Township under this Ordinance, and to effectuate its purpose, only:
 - a. By Persons who are otherwise authorized by state law to possess Marihuana;

- b. In a manner consistent with all applicable state laws and rules, as amended;
- c. In a secure manner designed to prevent the loss of the Marihuana;
- d. No vehicle used for the transportation or delivery of Marihuana under this Ordinance shall have for markings the words “Marihuana”, “cannabis” or any similar words; pictures or other renderings of the Marihuana plant; advertisements for Marihuana or for its sale, transfer, cultivation, delivery, transportation or manufacture, or any other word, phrase or symbol indicating or tending to indicate that the vehicle is transporting Marihuana.
- e. No vehicle may be used for the ongoing or continuous storage of Marihuana, but may only be used incidental to, and in furtherance of, the transportation of Marihuana.
- f. All vehicles, when not in use, must be stored inside the Permitted Premise.

18. *Required Insurance.* The Permit Holder shall obtain a Valid Insurance Policy consistent with this Ordinance and its Application prior to commencement of construction or operation at the Permitted Premises. The Permit Holder shall maintain the Valid Insurance Policy during operation of the Marihuana Establishment at the Permitted Premises consistent with this Ordinance.

19. *Additional Conditions.* The Township Board may impose such reasonable terms and conditions on a Marihuana Establishment special use as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Ordinance and applicable law.

SECTION 6. AMENDMENT TO SECTION 7. Section 7 of Ordinance No 2019-14 shall be amended to read as follows:

Section 7. Penalties and Consequences for Violation. In addition to any other penalties or legal consequences provided under applicable federal, state and local law, regulations, codes and ordinances:

- 1. Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance shall be subject to and found responsible for a municipal civil infraction. The forfeiture for any municipal civil infraction shall be five hundred dollars (\$500.00) plus court costs, attorney fees and abatement costs of each violation, together with all other remedies pursuant to MCL 600.8701, *et seq.* Each day a violation continues shall be deemed a separate municipal civil infraction.
- 2. A Permit issued under this Ordinance may be denied, limited, revoked, or restricted under any of the following conditions:
 - a. Any fraudulent, false, misleading, or material misrepresentation contained in the Application.

- b. Repeat violations of any requirements of this Ordinance or other applicable law, rule, or regulation. As used in this subsection, the term “repeat offense” means a second (or any subsequent) misdemeanor violation or civil infraction of the same requirement or provision committed within any six-month period and upon conviction or responsibility thereof.
 - c. A valid License is not maintained as required by this Ordinance.
 - d. The Permit Holder, its agent, manager, or employee failed to timely submit any document or failed to timely make any material disclosure as required by this Ordinance.
3. If a Permit is revoked or limited under this Ordinance, the Township or its designee shall issue a notice stating the revocation, limitation, or restriction including the reason for the action and providing a date and time for an evidentiary hearing before the Township Board.
 4. The owner of record or tenant of any building, structure or premises, or part thereof, and any architect, builder, contractor, agent or person who commits, participates in, assists in or maintains such violation may each be found guilty or responsible of a separate offense and suffer the penalties and forfeitures provided in subsections (1) and (2) of this section, except as excluded from responsibility by state law.
 5. In addition to any other remedies, the Township may institute proceedings for injunction, mandamus, abatement or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, jail sentence or forfeiture shall not exempt the violator from compliance with the provisions of this Ordinance.

SECTION 7. SEVERABILITY. The provisions of this Ordinance are hereby declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

SECTION 8. SAVINGS CLAUSE. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 9. REPEAL. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days following this publication.

YEAS: Chamberlain, Demyer, Spangler, Mohney, Engeltz

NAYS: None

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED.

Wendy Chamberlain
Wendy Chamberlain, Township Supervisor